

House File 2797 - Enrolled

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HOUSE FILE 2797

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1 3 AN ACT
1 4 RELATING TO STATE AND LOCAL FINANCES BY PROVIDING FOR FUNDING
1 5 OF PROPERTY TAX CREDITS AND REIMBURSEMENTS, BY MAKING,
1 6 INCREASING, REDUCING, AND TRANSFERRING APPROPRIATIONS,
1 7 PROVIDING FOR SALARIES AND COMPENSATION OF STATE EMPLOYEES,
1 8 PROVIDING FOR FEES AND PENALTIES, PROVIDING TAX EXEMPTIONS,
1 9 AND PROVIDING FOR PROPERLY RELATED MATTERS, AND INCLUDING
1 10 EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.
1 11
1 12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 13
1 14 DIVISION I
1 15 MH/MR/DD ALLOWED GROWTH FUNDING
1 16 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
1 17 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS
1 18 == FISCAL YEAR 2007=2008.
1 19 1. There is appropriated from the general fund of the
1 20 state to the department of human services for the fiscal year
1 21 beginning July 1, 2007, and ending June 30, 2008, the
1 22 following amount, or so much thereof as is necessary, to be
1 23 used for the purpose designated:
1 24 For distribution to counties of the county mental health,
1 25 mental retardation, and developmental disabilities allowed
1 26 growth factor adjustment, as provided in this section in lieu
1 27 of the provisions of section 331.438, subsection 2, and
1 28 section 331.439, subsection 3, and chapter 426B:
1 29 \$ 43,287,141
1 30 2. The funding appropriated in this section is the allowed
1 31 growth factor adjustment for fiscal year 2007=2008, and is
1 32 allocated as follows:
1 33 a. For distribution to counties for fiscal year 2007=2008
1 34 in accordance with the formula in section 331.438, subsection
1 35 2, paragraph "b":
2 1 \$ 12,000,000
2 2 b. For deposit in the per capita expenditure target pool
2 3 created in the property tax relief fund and for distribution
2 4 in accordance with section 426B.5, subsection 1:
2 5 \$ 24,360,548
2 6 c. For deposit in the risk pool created in the property
2 7 tax relief fund and for distribution in accordance with
2 8 section 426B.5, subsection 2:
2 9 \$ 2,000,000
2 10 d. For expansion of services to persons with brain injury
2 11 in accordance with the law enacted by the Eighty-first General
2 12 Assembly, 2006 Session, as law providing for such expansion of
2 13 services to commence in the fiscal year beginning July 1,
2 14 2006:
2 15 \$ 4,926,593
2 16 If 2006 Iowa Acts, House File 2772, is enacted by the
2 17 Eighty-first General Assembly, 2006 Session, the allocation
2 18 made in this lettered paragraph shall be transferred to the
2 19 Iowa department of public health to be used for the brain
2 20 injury services program created pursuant to that Act.
2 21 DIVISION II
2 22 STANDING APPROPRIATIONS
2 23 AND REVENUE ESTIMATE
2 24 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2007=2008.
2 25 1. For the budget process applicable to the fiscal year
2 26 beginning July 1, 2007, on or before October 1, 2006, in lieu
2 27 of the information specified in section 8.23, subsection 1,
2 28 unnumbered paragraph 1, and paragraph "a", all departments and
2 29 establishments of the government shall transmit to the
2 30 director of the department of management, on blanks to be
2 31 furnished by the director, estimates of their expenditure
2 32 requirements, including every proposed expenditure, for the
2 33 ensuing fiscal year, together with supporting data and
2 34 explanations as called for by the director of the department
2 35 of management after consultation with the legislative services
3 1 agency.
3 2 2. The estimates of expenditure requirements shall be in a
3 3 form specified by the director of the department of

4 management, and the expenditure requirements shall include all
 5 proposed expenditures and shall be prioritized by program or
 6 the results to be achieved. The estimates shall be
 7 accompanied by performance measures for evaluating the
 8 effectiveness of the programs or results.

9 Sec. 3. GENERAL ASSEMBLY. The appropriations made
 10 pursuant to section 2.12 for the expenses of the general
 11 assembly and legislative agencies for the fiscal year
 12 beginning July 1, 2006, and ending June 30, 2007, are reduced
 13 by the following amount:

14 \$ 1,267,106

15 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.
 16 Notwithstanding the standing appropriations in the following
 17 designated sections for the fiscal year beginning July 1,
 18 2006, and ending June 30, 2007, the amounts appropriated from
 19 the general fund of the state pursuant to those sections for
 20 the following designated purposes shall not exceed the
 21 following amounts:

22 1. For substance abuse treatment and prevention under
 23 section 123.53, subsection 3:

24 \$ 0

25 2. For instructional support state aid under section
 26 257.20:

27 \$ 14,428,271

28 3. For at-risk children programs under section 279.51,
 29 subsection 1:

30 \$ 11,271,000

31 The amount of any reduction in this subsection shall be
 32 prorated among the programs specified in section 279.51,
 33 subsection 1, paragraphs "a", "b", and "c".

34 4. For payment for nonpublic school transportation under
 35 section 285.2:

4 1 \$ 8,604,714

4 2 If total approved claims for reimbursement for nonpublic
 4 3 school pupil transportation claims exceed the amount
 4 4 appropriated in this section, the department of education
 4 5 shall prorate the amount of each claim.

4 6 5. For the educational excellence program under section
 4 7 294A.25, subsection 1:

4 8 \$ 55,469,053

4 9 6. For the state's share of the cost of the peace
 4 10 officers' retirement benefits under section 411.20:

4 11 \$ 2,745,784

4 12 Sec. 5. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF
 4 13 GENERAL FUND REIMBURSEMENT.

4 14 1. Notwithstanding section 8.57, prior to the
 4 15 appropriation and distribution to the senior living trust fund
 4 16 and the cash reserve fund of the surplus existing in the
 4 17 general fund of the state at the conclusion of the fiscal year
 4 18 beginning July 1, 2005, and ending June 30, 2006, pursuant to
 4 19 section 8.57, subsections 1 and 2, of that surplus,
 4 20 \$159,868,964 is appropriated to the property tax credit fund
 4 21 which shall be created in the office of the treasurer of state
 4 22 to be used for the purposes of this section.

4 23 2. Notwithstanding the amount of the standing
 4 24 appropriation from the general fund of the state in the
 4 25 following designated sections and notwithstanding any
 4 26 conflicting provisions or voting requirements of section 8.56,
 4 27 there is appropriated from the property tax credit fund in
 4 28 lieu of the appropriations in the following designated
 4 29 sections for the fiscal year beginning July 1, 2006, and
 4 30 ending June 30, 2007, the following amounts for the following
 4 31 designated purposes:

4 32 a. For reimbursement for the homestead property tax credit
 4 33 under section 425.1:

4 34 \$102,945,379

4 35 b. For reimbursement for the agricultural land and family
 5 1 farm tax credits under sections 425A.1 and 426.1:

5 2 \$ 34,610,183

5 3 c. For reimbursement for the military service tax credit
 5 4 under section 426A.1A:

5 5 \$ 2,773,402

5 6 d. For implementing the elderly and disabled tax credit
 5 7 and reimbursement pursuant to sections 425.16 through 425.40:

5 8 \$ 19,540,000

5 9 If the director of revenue determines that the amount of
 5 10 claims for credit for property taxes due plus the amount of
 5 11 claims for reimbursement for rent constituting property taxes
 5 12 paid which are to be paid during the fiscal year may exceed
 5 13 the amount appropriated, the director shall estimate the
 5 14 percentage of the credits and reimbursements which will be

5 15 funded by the appropriation. The county treasurer shall
5 16 notify the director of the amount of property tax credits
5 17 claimed by June 8, 2006. The director shall estimate the
5 18 percentage of the property tax credit and rent reimbursement
5 19 claims that will be funded by the appropriation and notify the
5 20 county treasurer of the percentage estimate by June 15, 2006.
5 21 The estimated percentage shall be used in computing for each
5 22 claim the amount of property tax credit and reimbursement for
5 23 rent constituting property taxes paid for that fiscal year.
5 24 If the director overestimates the percentage of funding,
5 25 claims for reimbursement for rent constituting property taxes
5 26 paid shall be paid until they can no longer be paid at the
5 27 estimated percentage of funding. Rent reimbursement claims
5 28 filed after that point in time shall receive priority and
5 29 shall be paid in the following fiscal year. If the director
5 30 underestimates the percentage of funding, the overage shall
5 31 remain in the fund established in section 425.39 for payments
5 32 to be made in the next fiscal year.

5 33 Sec. 6. Section 257.35, subsection 4, Code Supplement
5 34 2005, is amended to read as follows:

5 35 4. Notwithstanding subsection 1, and in addition to the
6 1 reduction applicable pursuant to subsection 2, the state aid
6 2 for area education agencies and the portion of the combined
6 3 district cost calculated for these agencies for the fiscal
6 4 year beginning July 1, ~~2005~~ 2006, shall be reduced by the
6 5 department of management by ~~eleven eight million seven hundred~~
~~6 6 ninety-eight thousand seven hundred three~~ dollars. The
6 7 reduction for each area education agency shall be ~~equal to~~
6 8 prorated based on the reduction that the agency received in
6 9 the fiscal year beginning July 1, 2003.

6 10 Sec. 7. 2005 Iowa Acts, chapter 179, section 7, is amended
6 11 to read as follows:

6 12 SEC. 7. CASH RESERVE APPROPRIATION FOR FY 2005=2006. For
6 13 the fiscal year beginning July 1, 2005, and ending June 30,
6 14 2006, the appropriation to the cash reserve fund provided in
6 15 section 8.57, subsection 1, paragraph "a", shall not be made.
6 16 ~~However, any surplus in the general fund of the state for the~~
~~6 17 fiscal year beginning July 1, 2005, and ending June 30, 2006,~~
~~6 18 shall be transferred to the cash reserve fund.~~

6 19 Sec. 8. CASH RESERVE APPROPRIATION FOR FY 2006=2007. For
6 20 the fiscal year beginning July 1, 2006, and ending June 30,
6 21 2007, the appropriation to the cash reserve fund provided in
6 22 section 8.57, subsection 1, paragraph "a", shall not be made.

6 23 Sec. 9. MARCH 24, 2006, REVENUE ESTIMATE. For use by the
6 24 general assembly in the budget process and the governor's
6 25 approval or disapproval of the appropriations bills for the
6 26 fiscal year beginning July 1, 2006, and for purposes of
6 27 calculating the state general fund expenditure limitation
6 28 pursuant to section 8.54 for the fiscal year beginning July 1,
6 29 2006, the revenue estimate for the fiscal year beginning July
6 30 1, 2006, that shall be used in the budget process and such
6 31 calculation shall be the revenue estimate determined by the
6 32 revenue estimating conference on March 24, 2006,
6 33 notwithstanding the provision in section 8.22A, subsection 3,
6 34 that disallows the use of a revenue estimate agreed to at a
6 35 later meeting that projects a greater amount than the initial
7 1 estimated amount agreed to in December 2005. This section
7 2 also authorizes the use of the estimated revenue figures for
7 3 the purposes or sources designated in section 8.22A,
7 4 subsection 5.

7 5 Sec. 10. EFFECTIVE AND APPLICABILITY DATES.

7 6 1. The section of this division of this Act creating the
7 7 property tax credit fund, being deemed of immediate
7 8 importance, takes effect upon enactment.

7 9 2. The section of this division of this Act relating to
7 10 the use of the March 24, 2006, revenue estimate, being deemed
7 11 of immediate importance, takes effect upon enactment and
7 12 applies retroactively to January 9, 2006.

7 13 3. The section of this division of this Act amending 2005
7 14 Iowa Acts, chapter 179, section 7, being deemed of immediate
7 15 importance, takes effect upon enactment.

7 16 DIVISION III

7 17 SALARIES, COMPENSATION, AND RELATED MATTERS

7 18 Sec. 11. STATE COURTS == JUSTICES, JUDGES, AND
7 19 MAGISTRATES.

7 20 1. The salary rates specified in subsection 2 are for the
7 21 fiscal year beginning July 1, 2006, effective for the pay
7 22 period beginning June 30, 2006, and for subsequent fiscal
7 23 years until otherwise provided by the general assembly. The
7 24 salaries provided for in this section shall be paid from funds
7 25 appropriated or otherwise made available to the judicial

7 26 branch pursuant to other Acts of the general assembly.
 7 27 2. The following annual salary rates shall be paid to the
 7 28 persons holding the judicial positions indicated during the
 7 29 fiscal year beginning July 1, 2006, effective with the pay
 7 30 period beginning June 30, 2006, and for subsequent pay
 7 31 periods.
 7 32 a. Chief justice of the supreme court:
 7 33 \$ 150,110
 7 34 b. Each justice of the supreme court:
 7 35 \$ 144,000
 8 1 c. Chief judge of the court of appeals:
 8 2 \$ 138,960
 8 3 d. Each associate judge of the court of appeals:
 8 4 \$ 134,060
 8 5 e. Each chief judge of a judicial district:
 8 6 \$ 131,000
 8 7 f. Each district judge except the chief judge of a
 8 8 judicial district:
 8 9 \$ 126,020
 8 10 g. Each district associate judge:
 8 11 \$ 111,000
 8 12 h. Each associate juvenile judge:
 8 13 \$ 111,000
 8 14 i. Each associate probate judge:
 8 15 \$ 111,000
 8 16 j. Each judicial magistrate:
 8 17 \$ 34,200
 8 18 k. Each senior judge:
 8 19 \$ 7,100
 8 20 3. Persons receiving the salary rates established under
 8 21 this section shall not receive any additional salary
 8 22 adjustments provided by this division of this Act.
 8 23 4. The collective bargaining agreements negotiated
 8 24 pursuant to chapter 20 for employees in the judicial branch of
 8 25 government bargaining units and the annual pay adjustments,
 8 26 related benefits, and expense reimbursements of judicial
 8 27 branch employees not covered by a collective bargaining
 8 28 agreement shall be paid from funds appropriated or made
 8 29 available to the judicial branch as provided in subsection 1.
 8 30 Sec. 12. APPOINTED STATE OFFICERS. Notwithstanding
 8 31 section 20.5, subsection 3, the governor shall establish a
 8 32 salary for appointed nonelected persons in the executive
 8 33 branch of state government holding a position enumerated in
 8 34 the section of this division of this Act that addresses the
 8 35 salary ranges of state officers within the range provided, by
 9 1 considering, among other items, the experience of the
 9 2 individual in the position, changes in the duties of the
 9 3 position, the incumbent's performance of assigned duties, and
 9 4 subordinates' salaries. However, the attorney general shall
 9 5 establish the salary for the consumer advocate, the chief
 9 6 justice of the supreme court shall establish the salary for
 9 7 the state court administrator, the Iowa public broadcasting
 9 8 board shall establish the salary for the administrator of the
 9 9 public broadcasting division of the department of education,
 9 10 the ethics and campaign disclosure board shall establish the
 9 11 salary of the executive director, and the state fair board
 9 12 shall establish the salary of the secretary of the state fair
 9 13 board, each within the salary range provided in the section of
 9 14 this division of this Act that addresses the salary ranges of
 9 15 state officers.
 9 16 The governor, in establishing salaries as provided in the
 9 17 section of this division of this Act that addresses the salary
 9 18 ranges of state officers, shall take into consideration other
 9 19 employee benefits which may be provided for an individual
 9 20 including but not limited to housing.
 9 21 A person whose salary is established pursuant to the
 9 22 section of this division of this Act that addresses the salary
 9 23 ranges of state officers and who is a full-time, year-round
 9 24 employee of the state shall not receive any other remuneration
 9 25 from the state or from any other source for the performance of
 9 26 that person's duties unless the additional remuneration is
 9 27 first approved by the governor or authorized by law. However,
 9 28 this provision does not exclude the reimbursement for
 9 29 necessary travel and expenses incurred in the performance of
 9 30 duties or fringe benefits normally provided to employees of
 9 31 the state.
 9 32 Sec. 13. SALARY RANGE == STATE OFFICERS. The following
 9 33 annual salary ranges are effective for the positions specified
 9 34 in this section for the fiscal year beginning July 1, 2006,
 9 35 and for subsequent fiscal years until otherwise provided by
 10 1 the general assembly. The governor or other person designated

10 2 in the section of this division of this Act relating to
10 3 appointed state officers shall determine the salary to be paid
10 4 to the person indicated at a rate within this salary range
10 5 from funds appropriated by the general assembly for that
10 6 purpose.

10 7 1. The following are salary ranges for state officers for
10 8 the fiscal year beginning July 1, 2006, effective with the pay
10 9 period beginning June 30, 2006:

SALARY RANGE		Minimum	Maximum
10 11	a. Range 1	\$ 8,800	\$ 34,430
10 12	b. Range 2	\$ 45,395	\$ 69,460
10 13	c. Range 3	\$ 52,210	\$ 79,880
10 14	d. Range 4	\$ 60,040	\$ 91,860
10 15	e. Range 5	\$ 69,045	\$105,640
10 16	f. Range 6	\$ 79,405	\$121,490
10 17	g. Range 7	\$ 95,055	\$145,430

10 18 2. The following are range 1 positions: There are no
10 19 range 1 positions for the fiscal year beginning July 1, 2006.

10 20 3. The following are range 2 positions: administrator of
10 21 the arts division of the department of cultural affairs,
10 22 administrators of the division of persons with disabilities,
10 23 the division on the status of women, the division on the
10 24 status of Iowans of Asian and Pacific islander heritage, the
10 25 division on the status of African-Americans, the division of
10 26 deaf services, and the division of Latino affairs of the
10 27 department of human rights.

10 28 4. The following are range 3 positions: administrator of
10 29 the division of criminal and juvenile justice planning of the
10 30 department of human rights, administrator of the division of
10 31 community action agencies of the department of human rights,
10 32 executive director of the department of veterans affairs, and
10 33 chairperson and members of the employment appeal board of the
10 34 department of inspections and appeals.

10 35 5. The following are range 4 positions: director of the
11 1 department of human rights, director of the Iowa state civil
11 2 rights commission, executive director of the college student
11 3 aid commission, director of the department for the blind,
11 4 executive director of the ethics and campaign disclosure
11 5 board, members of the public employment relations board, and
11 6 chairperson, vice chairperson, and members of the board of
11 7 parole.

11 8 6. The following are range 5 positions: state public
11 9 defender, drug policy coordinator, labor commissioner,
11 10 administrator of the division of homeland security and
11 11 emergency management of the department of public defense,
11 12 workers' compensation commissioner, director of the department
11 13 of cultural affairs, director of the department of elder
11 14 affairs, director of the law enforcement academy, and
11 15 administrator of the historical division of the department of
11 16 cultural affairs.

11 17 7. The following are range 6 positions: administrator of
11 18 the alcoholic beverages division of the department of
11 19 commerce, director of the department of inspections and
11 20 appeals, commandant of the Iowa veterans home, commissioner of
11 21 public safety, commissioner of insurance, executive director
11 22 of the Iowa finance authority, director of the department of
11 23 natural resources, superintendent of banking, superintendent
11 24 of credit unions, director of the department of corrections,
11 25 consumer advocate, and chairperson of the utilities board.
11 26 The other members of the utilities board shall receive an
11 27 annual salary within a range of not less than 90 percent but
11 28 not more than 95 percent of the annual salary of the
11 29 chairperson of the utilities board.

11 30 8. The following are range 7 positions: administrator of
11 31 the state racing and gaming commission of the department of
11 32 inspections and appeals, director of the department of
11 33 education, director of human services, director of the
11 34 department of economic development, executive director of the
11 35 Iowa telecommunications and technology commission,
12 1 administrator of the public broadcasting division of the
12 2 department of education, executive director of the state board
12 3 of regents, director of the state department of
12 4 transportation, director of the department of workforce
12 5 development, director of revenue, director of public health,
12 6 state court administrator, secretary of the state fair board,
12 7 director of the department of management, and director of the
12 8 department of administrative services.

12 9 Sec. 14. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==
12 10 GENERAL FUND. There is appropriated from the general fund of
12 11 the state to the salary adjustment fund for distribution by
12 12 the department of management to the various state departments,

boards, commissions, councils, and agencies, excluding the
state board of regents and the judicial branch, for the fiscal
year beginning July 1, 2006, and ending June 30, 2007, the
amount of \$29,000,000, or so much thereof as may be necessary,
to fully fund annual pay adjustments, expense reimbursements,
and related benefits implemented pursuant to the following:

1. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the blue collar bargaining
unit.
2. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the public safety bargaining
unit.
3. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the security bargaining unit.
4. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the technical bargaining unit.
5. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the clerical bargaining unit.
6. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the professional social
services bargaining unit.
7. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the community-based corrections
bargaining unit.
8. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the patient care bargaining
unit.
9. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the science bargaining unit.
10. The annual pay adjustments, related benefits, and
expense reimbursements referred to in the section of this
division of this Act addressing noncontract state employees
not covered by a collective bargaining agreement.

Sec. 15. NONCONTRACT STATE EMPLOYEES == GENERAL.

- a. For the fiscal year beginning July 1, 2006, the
maximum salary levels of all pay plans provided for in section
8A.413, subsection 2, as they exist for the fiscal year ending
June 30, 2006, shall be increased by 2 percent for the pay
period beginning June 30, 2006, and any additional changes in
the pay plans shall be approved by the governor.
- b. For the fiscal year beginning July 1, 2006, employees
may receive a step increase or the equivalent of a step
increase.

2. The pay plans for state employees who are exempt from
chapter 8A, subchapter IV, and who are included in the
department of administrative service's centralized payroll
system shall be increased in the same manner as provided in
subsection 1, and any additional changes in any executive
branch pay plans shall be approved by the governor.
3. This section does not apply to members of the general
assembly, board members, commission members, salaries of
persons set by the general assembly pursuant to this division
of this Act or set by the governor, other persons designated
in the section of this division of this Act addressing
appointed state officers, employees designated under section
8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).
4. The pay plans for the bargaining eligible employees of
the state shall be increased in the same manner as provided in
subsection 1, and any additional changes in such executive
branch pay plans shall be approved by the governor. As used
in this section, "bargaining eligible employee" means an
employee who is eligible to organize under chapter 20, but has
not done so.
5. The policies for implementation of this section shall
be approved by the governor.

Sec. 16. APPROPRIATIONS FROM ROAD FUNDS.

1. There is appropriated from the road use tax fund to the
salary adjustment fund for the fiscal year beginning July 1,
2006, and ending June 30, 2007, the following amount, or so
much thereof as may be necessary, to be used for the purpose
designated:
To supplement other funds appropriated by the general
assembly:
..... \$ 1,416,695
2. There is appropriated from the primary road fund to the
salary adjustment fund, for the fiscal year beginning July 1,
2006, and ending June 30, 2007, the following amount, or so
much thereof as may be necessary, to be used for the purpose
designated:
To supplement other funds appropriated by the general
assembly:

14 24 \$ 9,593,363
14 25 3. Except as otherwise provided in this division of this
14 26 Act, the amounts appropriated in subsections 1 and 2 shall be
14 27 used to fund the annual pay adjustments, expense
14 28 reimbursements, and related benefits for public employees as
14 29 provided in this division of this Act.
14 30 Sec. 17. SPECIAL FUNDS == AUTHORIZATION. To departmental
14 31 revolving, trust, or special funds, except for the primary
14 32 road fund or the road use tax fund, for which the general
14 33 assembly has established an operating budget, a supplemental
14 34 expenditure authorization is provided, unless otherwise
14 35 provided, in an amount necessary to fund salary adjustments as
15 1 otherwise provided in this division of this Act.
15 2 Sec. 18. GENERAL FUND SALARY MONEYS. Funds appropriated
15 3 for distribution from the salary adjustment fund in the
15 4 section of this division of this Act providing for funding of
15 5 collective bargaining agreements relate only to salaries
15 6 supported from general fund appropriations of the state except
15 7 for employees of the state board of regents and the judicial
15 8 branch.
15 9 Sec. 19. FEDERAL FUNDS APPROPRIATED. All federal grants
15 10 to and the federal receipts of the agencies affected by this
15 11 division of this Act which are received and may be expended
15 12 for purposes of this division of this Act are appropriated for
15 13 those purposes and as set forth in the federal grants or
15 14 receipts.
15 15 Sec. 20. STATE TROOPER MEAL ALLOWANCE. The sworn peace
15 16 officers in the department of public safety who are not
15 17 covered by a collective bargaining agreement negotiated
15 18 pursuant to chapter 20 shall receive the same per diem meal
15 19 allowance as the sworn peace officers in the department of
15 20 public safety who are covered by a collective bargaining
15 21 agreement negotiated pursuant to chapter 20.
15 22 Sec. 21. SICK LEAVE CONVERSION. It is the intent of the
15 23 general assembly that the sick leave conversion program under
15 24 the collective bargaining agreement that covers the greatest
15 25 number of state employees and that affects sick leave accrual
15 26 and allows sick leave conversion and use upon retirement for
15 27 payment of certain health insurance premiums shall be extended
15 28 to employees in the executive branch, excluding state board of
15 29 regents employees, not covered by a collective bargaining
15 30 agreement, consistent with any legislation enacted during the
15 31 2006 Regular Session of the general assembly providing for
15 32 such extension.
15 33 Sec. 22. Section 256.81, subsection 1, Code 2005, is
15 34 amended to read as follows:
15 35 1. The public broadcasting division of the department of
16 1 education is created. The chief administrative officer of the
16 2 division is the administrator who shall be appointed by and
16 3 serve at the pleasure of the Iowa public broadcasting board.
16 4 The ~~governor board~~ shall set the division administrator's
16 5 salary within the applicable salary range established by the
16 6 general assembly unless otherwise provided by law.
16 7 Educational programming shall be the highest priority of the
16 8 division. The director of the department of education and the
16 9 state board of education are not liable for the activities of
16 10 the division of public broadcasting.
16 11 Sec. 23. Section 256.82, subsection 1, unnumbered
16 12 paragraph 1, Code 2005, is amended to read as follows:
16 13 The Iowa public broadcasting board is created to plan,
16 14 establish, and operate educational radio and television
16 15 facilities and other telecommunications services ~~including~~
16 16 ~~narrowcast and broadcast systems~~ to serve the educational
16 17 needs of the state. The board shall be composed of nine
16 18 members selected in the following manner:
16 19 Sec. 24. Section 256.82, subsection 1, paragraph a,
16 20 subparagraphs (1) and (2), Code 2005, are amended to read as
16 21 follows:
16 22 (1) One member shall be appointed from the business
16 23 community other than ~~the commercial broadcasting industry and~~
16 24 ~~the television and telecommunications industry.~~
16 25 (2) One member shall be appointed ~~from the commercial~~
16 26 ~~broadcast with experience in or knowledge about the television~~
16 27 ~~industry.~~
16 28 Sec. 25. Section 256.82, subsection 1, paragraph b,
16 29 subparagraph (4), Code 2005, is amended to read as follows:
16 30 (4) One member ~~who is knowledgeable about~~
16 31 ~~telecommunications~~ shall be appointed by the state board of
16 32 regents.
16 33 Sec. 26. Section 256.84, subsections 1 and 2, Code 2005,
16 34 are amended to read as follows:

16 35 1. The board may purchase, lease, and improve property,
17 1 equipment, and services for educational telecommunications
17 2 including the broadcast and narrowcast systems, and may
17 3 dispose of property and equipment when not necessary for its
17 4 purposes. ~~The board and division administrator may arrange~~
~~17 5 for joint use of available services and facilities.~~

17 6 2. The board shall apply for channels, frequencies,
17 7 licenses, ~~and permits,~~ and other authorizations as necessary
17 8 for the performance of the board's duties.

17 9 Sec. 27. Section 256.84, subsection 5, Code 2005, is
17 10 amended by striking the subsection.

17 11 Sec. 28. Section 256.84, Code 2005, is amended by adding
17 12 the following new subsections:

17 13 NEW SUBSECTION. 11. To preserve the integrity of its
17 14 editorial processes, the board may select programming, content
17 15 partners, and other authorized contractual services without
17 16 using a competitive selection process or performance measures
17 17 that may otherwise be required by law for such services. For
17 18 purposes of this subsection, authorized contractual services
17 19 are those services related, directly or indirectly, to the
17 20 development of program production and instructional and
17 21 educational media. Authorized contractual services include
17 22 but are not limited to on-air performers, producers or
17 23 directors, field producers, writers, production assistants,
17 24 manual laborers, mobile unit services, closed captioning
17 25 services, duplication of tape services, and satellite
17 26 services.

17 27 NEW SUBSECTION. 12. The board shall approve for
17 28 submission the annual budget request and any supplementary
17 29 budget request for the public broadcasting division of the
17 30 department of education.

17 31 Sec. 29. Section 256.85, Code 2005, is amended to read as
17 32 follows:

17 33 256.85 PURCHASE OF ENERGY EFFICIENCY PACKAGES.

17 34 The public broadcasting division of the department of
17 35 education may use the state of Iowa facilities improvement
18 1 corporation to purchase energy efficiency packages ~~for its~~
~~18 2 ultrahigh frequency transmitters.~~

18 3 Sec. 30. Section 421.1A, subsection 6, Code Supplement
18 4 2005, is amended to read as follows:

18 5 6. The members of the property assessment appeal board
18 6 shall receive compensation from the state commensurate with
18 7 the salary of a district judge. The members of the board
18 8 shall ~~not~~ be considered state employees for purposes of salary
18 9 and benefits. The members of the board and any employees of
18 10 the board, when required to travel in the discharge of
18 11 official duties, shall be paid their actual and necessary
18 12 expenses incurred in the performance of duties.

18 13 Sec. 31. Section 256.89, Code 2005, is repealed.

18 14 DIVISION IV

18 15 OTHER APPROPRIATIONS

18 16 AND RELATED MATTERS

18 17 Sec. 32. ARTS EDUCATION AND ENRICHMENT PROGRAMMING.

18 18 1. There is appropriated from the general fund of the
18 19 state to the department of cultural affairs for the fiscal
18 20 year beginning July 1, 2006, and ending June 30, 2007, the
18 21 following amount, or so much thereof as is necessary, to be
18 22 used for the purposes designated:

18 23 For a study of arts education and enrichment programming
18 24 for school age children in accordance with this section:

18 25 \$ 5,000

18 26 2. a. The department shall conduct a study of arts
18 27 education and enrichment programming for school age children
18 28 to evaluate the status of arts education and enrichment
18 29 programming available to school age children in this state;
18 30 develop a strategy for greatly expanding the availability of
18 31 arts education and enrichment programming outside of school
18 32 settings; and identify curricula, model programs, best
18 33 practices, and other resources that may be used by programs
18 34 and persons in this state that provide arts education and
18 35 enrichment programming outside of school settings.

19 1 b. The department shall utilize a resource committee in
19 2 conducting the study. The committee membership may include
19 3 representatives of the departments of economic development,
19 4 education, and human services, the Iowa after school alliance,
19 5 the Iowa community education association, the Iowa library
19 6 association, legislators, art educators, artists and
19 7 performers, and others with relevant expertise.

19 8 c. The study may utilize regional forums through the Iowa
19 9 communications network and other approaches for securing
19 10 public input and discussion of the study topics.

19 11 d. The department shall report to the governor and general
 19 12 assembly concerning the study with findings and
 19 13 recommendations in December 2006.
 19 14 Sec. 33. VETERANS TRUST FUND. There is appropriated from
 19 15 the general fund of the state to the veterans trust fund for
 19 16 the fiscal year beginning July 1, 2006, and ending June 30,
 19 17 2007, the following amount:
 19 18 \$ 4,500,000
 19 19 Sec. 34. COUNTY GRANT PROGRAM FOR VETERANS ==
 19 20 APPROPRIATION. There is appropriated from the general fund of
 19 21 the state to the department of veterans affairs, for the
 19 22 fiscal year beginning July 1, 2006, and ending June 30, 2007,
 19 23 the following amount, or so much thereof as is necessary, to
 19 24 be used for the purpose designated:
 19 25 For providing matching grants to counties to provide
 19 26 improved services to veterans:
 19 27 \$ 1,000,000
 19 28 The department shall establish a grant application process
 19 29 and shall require each county applying for a grant to submit a
 19 30 plan for utilizing the grant to improve services for veterans.
 19 31 The maximum matching grant to be awarded to a county shall be
 19 32 \$10,000 and the amount awarded shall be matched on a dollar=
 19 33 for=dollar basis by the county. Each county receiving a grant
 19 34 shall submit a report to the department identifying the impact
 19 35 of the grant on increasing services to veterans. The
 20 1 department shall submit a report to the general assembly by
 20 2 October 1, 2007, concerning the impact of the grant program on
 20 3 increasing services to veterans.
 20 4 Sec. 35. IOWA LAW ENFORCEMENT ACADEMY. There is
 20 5 appropriated from the general fund of the state to the Iowa
 20 6 law enforcement academy for the fiscal year beginning July 1,
 20 7 2006, and ending June 30, 2007, the following amount, or so
 20 8 much thereof as is necessary, to be used for the purpose
 20 9 designated:
 20 10 For the purchase of equipment and furnishings:
 20 11 \$ 25,000
 20 12 Sec. 36. GOVERNOR AND LIEUTENANT GOVERNOR. If 2006 Iowa
 20 13 Acts, House File 2521, is enacted and provides for
 20 14 appropriations from the general fund of the state to the
 20 15 offices of the governor and lieutenant governor for the fiscal
 20 16 year beginning July 1, 2006, and ending June 30, 2007, for the
 20 17 following indicated purposes, those appropriations are
 20 18 increased by the following amounts:
 20 19 1. TERRACE HILL QUARTERS
 20 20 For salaries, support, maintenance and miscellaneous
 20 21 purposes for the governor's quarters at Terrace Hill:
 20 22 \$ 22,676
 20 23 2. NATIONAL GOVERNORS ASSOCIATION
 20 24 For payment of Iowa's membership in the national governors
 20 25 association:
 20 26 \$ 16,207
 20 27 Sec. 37. UPDATED MANURE MANAGEMENT PLANS. There is
 20 28 appropriated from the manure storage indemnity fund created in
 20 29 section 459.501 to the department of natural resources for the
 20 30 fiscal year beginning July 1, 2006, and ending June 30, 2007,
 20 31 the following amount, or so much thereof as is necessary, to
 20 32 be used for the purpose designated:
 20 33 For the department to modify its computer database in order
 20 34 to provide documentation to persons required to submit updated
 20 35 manure management plans and updated manure management plan
 21 1 filing fees to the department pursuant to the schedules
 21 2 provided in sections 459.312 and 459.400, if amended by the
 21 3 Eighty=first General Assembly, 2006 Session:
 21 4 \$ 80,000
 21 5 As a condition of this appropriation, the department shall
 21 6 repay the manure storage indemnity fund in four equal
 21 7 installments by June 30 of each fiscal year for the fiscal
 21 8 period beginning July 1, 2007, and ending June 30, 2011.
 21 9 Sec. 38. REAL ESTATE EDUCATION PROGRAM. There is
 21 10 appropriated from the general fund of the state to the state
 21 11 board of regents for the fiscal year beginning July 1, 2007,
 21 12 and ending June 30, 2008, the following amount, or so much
 21 13 thereof as is necessary, to be used for the purpose
 21 14 designated:
 21 15 For allocation to the university of northern Iowa for the
 21 16 real estate education program:
 21 17 \$ 200,000
 21 18 The appropriation made in this section is contingent upon
 21 19 enactment of 2006 Iowa Acts, House File 2773, or other
 21 20 enactment by the Eighty=first General Assembly, 2006 Session,
 21 21 amending section 543B.54 to appropriate fees credited to the

21 22 Iowa real estate education fund to the real estate commission
 21 23 in lieu of the state board of regents.
 21 24 Sec. 39. STATE BOARD OF REGENTS == GENERAL FUND ENDING
 21 25 BALANCE.
 21 26 1. Notwithstanding section 8.62, prior to the
 21 27 appropriation of the surplus existing in the general fund of
 21 28 the state at the conclusion of the fiscal year beginning July
 21 29 1, 2005, pursuant to section 8.57, subsection 1, from
 21 30 appropriations that remain unencumbered or unobligated and
 21 31 would otherwise revert on August 31, 2006, pursuant to section
 21 32 8.33, up to \$2,800,000 shall be transferred to the state board
 21 33 of regents.
 21 34 2. The transfer made in subsection 1 shall be distributed
 21 35 to the state board of regents in the fiscal year beginning
 22 1 July 1, 2006, to be used as additional funding for the fiscal
 22 2 year beginning July 1, 2006, for the institutions under the
 22 3 state board of regents.
 22 4 Sec. 40. STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER
 22 5 HERITAGE DIVISION. If 2006 Iowa Acts, House File 2521, is
 22 6 enacted and provides for an appropriation from the general
 22 7 fund of the state to the department of human rights for the
 22 8 status of Iowans of Asian and Pacific islander heritage
 22 9 division for the fiscal year beginning July 1, 2006, and
 22 10 ending June 30, 2007, there is appropriated to supplement that
 22 11 appropriation as follows:
 22 12 For salaries, support, maintenance, and miscellaneous
 22 13 purposes and for not more than the following full-time
 22 14 equivalent position:
 22 15 \$ 80,000
 22 16 FTEs 1.00
 22 17 Sec. 41. DEPARTMENT OF CULTURAL AFFAIRS. There is
 22 18 appropriated from the general fund of the state to the
 22 19 department of cultural affairs for the fiscal year beginning
 22 20 July 1, 2006, and ending June 30, 2007, the following amounts,
 22 21 or so much thereof as is necessary, to be used for the
 22 22 purposes designated:
 22 23 1. For the African-American historical museum and cultural
 22 24 center of Iowa in Cedar Rapids:
 22 25 \$ 85,000
 22 26 2. For historical resource development program emergency
 22 27 grants for qualified historic preservation projects in
 22 28 gubernatorially declared natural disaster emergency areas in
 22 29 Johnson county, notwithstanding section 303.16, subsection 6,
 22 30 paragraph "d":
 22 31 \$ 250,000
 22 32 Sec. 42. DEPARTMENT OF JUSTICE. There is appropriated
 22 33 from the general fund of the state to the department of
 22 34 justice for the fiscal year beginning July 1, 2006, and ending
 22 35 June 30, 2007, the following amount, or so much thereof as is
 23 1 necessary, to be used for the purpose designated:
 23 2 For the purpose of funding farm mediation services pursuant
 23 3 to the farm assistance program created in sections 13.13
 23 4 through 13.24:
 23 5 \$ 100,000
 23 6 Sec. 43. SUSTAINABLE NATURAL RESOURCE FUNDING STUDY.
 23 7 1. There is established a sustainable natural resource
 23 8 funding advisory committee for the purpose of studying how to
 23 9 provide a sustainable source or sources of funding for natural
 23 10 resources needs in Iowa. The department of natural resources
 23 11 shall provide staffing for the advisory committee. The
 23 12 following shall be members of the advisory committee:
 23 13 a. One representative from the following organizations or
 23 14 entities to be appointed by the governor:
 23 15 (1) Secretary of agriculture.
 23 16 (2) Iowa natural heritage foundation.
 23 17 (3) Ducks unlimited.
 23 18 (4) Pheasants forever.
 23 19 (5) Iowa association of county conservation boards.
 23 20 (6) Iowa farm bureau.
 23 21 (7) Farmers union.
 23 22 (8) The nature conservancy.
 23 23 (9) Iowa environmental council.
 23 24 (10) Iowa renewable fuels association.
 23 25 b. The director of the department of natural resources,
 23 26 who shall be the chairperson of the advisory committee.
 23 27 c. Two members of the senate, one of which is appointed by
 23 28 the majority leader and one of which is appointed by the
 23 29 minority leader.
 23 30 d. Two members of the house of representatives, one of
 23 31 which is appointed by the majority leader and one of which is
 23 32 appointed by the minority leader.

23 33 2. The advisory committee shall submit a report to the
23 34 governor and the general assembly by January 10, 2007. The
23 35 report shall contain but is not limited to the following:

24 1 a. Information on what surrounding states have done to
24 2 provide sustainable funding for natural resource conservation.
24 3 b. Outline of a conservation funding initiative agree upon
24 4 by the advisory committee.
24 5 c. Outline of the amount of revenue needed and what would
24 6 be accomplished if the conservation funding initiative is
24 7 implemented.
24 8 d. Analysis of Iowa's citizens' willingness to pay for
24 9 identified conservation funding initiative.

24 10 Sec. 44. 2001 Iowa Acts, chapter 174, section 1,
24 11 subsection 2, as amended by 2002 Iowa Acts, chapter 1174,
24 12 section 8, 2003 Iowa Acts, chapter 179, section 38, 2004 Iowa
24 13 Acts, chapter 1175, section 270, and 2005 Iowa Acts, chapter
24 14 179, section 23, is amended to read as follows:

24 15 2. There is appropriated from the general fund of the
24 16 state to the endowment for Iowa's health account of the
24 17 tobacco settlement trust fund created in section 12E.12, for
24 18 the designated fiscal years, the following amounts, to be used
24 19 for the purposes specified in section 12E.12 for the endowment
24 20 for Iowa's health account:

24 21 FY 2001=2002	\$ 7,248,000
24 22 FY 2003=2004	\$ 0
24 23 FY 2004=2005	\$ 0
24 24 FY 2005=2006	\$ 0
24 25 FY 2006=2007	\$ 17,773,000
24 26	0

24 27 Sec. 45. Section 16.100, Code 2005, is amended by adding
24 28 the following new subsection:

24 29 NEW SUBSECTION. 9. Notwithstanding any provision to the
24 30 contrary, all assets held in the housing improvement fund
24 31 shall be transferred to the housing trust fund created in
24 32 section 16.181. On and after July 1, 2006, any moneys or
24 33 assets received for deposit in the housing improvement fund
24 34 shall be transferred to the housing trust fund.

24 35 Sec. 46. NEW SECTION. 137F.3A MUNICIPAL CORPORATION
25 1 INSPECTIONS == CONTINGENT APPROPRIATION.

25 2 1. If a municipal corporation operating pursuant to a
25 3 chapter 28E agreement with the department of inspections and
25 4 appeals to enforce this chapter and chapters 137C and 137D
25 5 either fails to renew the agreement effective after July 1,
25 6 2005, but before July 1, 2007, or discontinues prior to July
25 7 1, 2007, enforcement activities in one or more jurisdictions
25 8 during the agreement time frame, or the department of
25 9 inspections and appeals cancels an agreement prior to July 1,
25 10 2007, due to noncompliance with the terms of the agreement,
25 11 the department of inspections and appeals may employ
25 12 additional full-time equivalent positions for the fiscal years
25 13 ending prior to July 1, 2007, to enforce the provisions of the
25 14 chapters, with the approval of the department of management.
25 15 Before approval is given, the director of the department of
25 16 management shall determine that the expenses exceed the funds
25 17 budgeted by the general assembly for food inspections to the
25 18 department of inspections and appeals. The department of
25 19 inspections and appeals may hire no more than one full-time
25 20 equivalent position for each six hundred inspections required
25 21 pursuant to this chapter and chapters 137C and 137D.

25 22 2. Notwithstanding chapter 137D, and sections 137C.9 and
25 23 137F.6, if the conditions described in this section are met,
25 24 fees imposed pursuant to that chapter and those sections shall
25 25 be retained by and are appropriated to the department of
25 26 inspections and appeals for the fiscal years ending prior to
25 27 July 1, 2007, to provide for salaries, support, maintenance,
25 28 and miscellaneous purposes associated with the additional
25 29 inspections.

25 30 3. This section is repealed July 1, 2007.

25 31 Sec. 47. Section 256D.5, subsection 4, Code Supplement
25 32 2005, is amended to read as follows:

25 33 4. For each fiscal year of the fiscal period beginning
25 34 July 1, 2004, and ending June 30, ~~2006~~ 2007, the sum of
25 35 twenty-nine million two hundred fifty thousand dollars.

26 1 Sec. 48. 2005 Iowa Acts, chapter 175, section 4,
26 2 subsection 4, as enacted by 2006 Iowa Acts, House File 2080,
26 3 section 3, is amended by adding the following new paragraph:

26 4 NEW PARAGRAPH. c. Of the amount transferred pursuant to
26 5 this subsection, not more than \$50,000 shall be transferred to
26 6 the department of public defense to be used for the enduring
26 7 families program.

26 8 Sec. 49. REPORT. By October 1, 2009, the Iowa finance

26 9 authority shall submit a written report to the general
26 10 assembly regarding the status of the housing trust fund. The
26 11 report shall review the program and activities under the
26 12 program during the existence of the fund, an update on the
26 13 housing needs in the state, and any recommendations for
26 14 changes.

26 15 Sec. 50. HOUSING TRUST FUND. It is the intent of the
26 16 general assembly to make appropriations from the general fund
26 17 of the state to the housing trust fund created in section
26 18 16.181 for the designated fiscal years in the following
26 19 amounts:

26 20	1. FY 2007=2008	\$ 2,000,000
26 21	2. FY 2008=2009	\$ 3,000,000
26 22	3. FY 2009=2010	\$ 4,000,000

26 23 Sec. 51. WORLD FOOD PRIZE. It is the intent of the
26 24 general assembly to make appropriations from the general fund
26 25 of the state for purposes of the world food prize for the
26 26 designated fiscal years in the following amounts:

26 27	1. FY 2007=2008	\$ 750,000
26 28	2. FY 2008=2009	\$ 1,000,000

26 29 Sec. 52. CONTINGENT EFFECTIVE DATE. The section of this
26 30 division of this Act making an appropriation from the manure
26 31 storage indemnity fund to the department of natural resources
26 32 is contingent upon the enactment by the Eighty-first General
26 33 Assembly, 2006 Session of an Act which amends sections 459.312
26 34 and 459.400 making it necessary for the department to modify
26 35 its computer database in order to provide documentation to
27 1 persons required to submit updated manure management plans and
27 2 updated manure management plan filing fees to the department.

27 3 Sec. 53. EFFECTIVE AND APPLICABILITY DATES.

27 4 1. The section of this division of this Act transferring
27 5 moneys that would otherwise revert to the state board of
27 6 regents, being deemed of immediate importance, takes effect
27 7 upon enactment.

27 8 2. The section of this division of this Act enacting
27 9 section 137F.3A, being deemed of immediate importance, takes
27 10 effect upon enactment and applies retroactively to July 1,
27 11 2005.

27 12 DIVISION V 27 13 MISCELLANEOUS STATUTORY CHANGES

27 14 Sec. 54. Section 7D.29, Code 2005, as amended by 2006 Iowa
27 15 Acts, Senate File 2273, section 7, is amended by adding the
27 16 following new subsection:

27 17 NEW SUBSECTION. 4. The executive council shall receive
27 18 requests from the Iowa department of public health, relative
27 19 to the purchase, storing, and distribution of vaccines and
27 20 medication for prevention, prophylaxis, or treatment. Upon
27 21 review and after compliance with subsection 2, the executive
27 22 council may approve the request and may incur the necessary
27 23 expense and pay the same out of any money in the state
27 24 treasury not otherwise appropriated.

27 25 Sec. 55. Section 15E.208, subsection 3, paragraph b,
27 26 subparagraph (2), Code 2005, is amended by adding the
27 27 following new subparagraph subdivision:

27 28 NEW SUBPARAGRAPH SUBDIVISION. (e) Notwithstanding any
27 29 provision of this division to the contrary, payments of
27 30 principal and interest of the loan granted by the corporation
27 31 to an eligible person and assigned to the department pursuant
27 32 to this subparagraph during calendar year 2003 which were
27 33 deferred pursuant to subparagraph subdivision (c) shall be
27 34 forgiven and the total debt, including interest, shall be
27 35 retired.

28 1 Sec. 56. Section 15G.119, subsection 4, paragraph c, if
28 2 enacted by 2006 Iowa Acts, House File 2759, is amended to read
28 3 as follows:

28 4 c. Notwithstanding section 8.33, unencumbered and
28 5 unobligated moneys remaining in the infrastructure fund at the
28 6 close of each fiscal year shall not revert but shall remain
28 7 available in the infrastructure fund for expenditure for the
28 8 same purposes in the succeeding fiscal year until the end of
28 9 the fiscal year that begins July 1, 2011, at which time the
28 10 unencumbered and unobligated moneys remaining shall revert to
28 11 the funds from which appropriated.

28 12 Sec. 57. Section 22.7, subsection 52, unnumbered paragraph
28 13 1, as enacted by 2006 Iowa Acts, House File 2706, if enacted,
28 14 is amended to read as follows:

28 15 The following records relating to a charitable donation
28 16 made to a foundation acting solely for the support of an
28 17 institution governed by the state board of regents, to a
28 18 foundation acting solely for the support of an institution
28 19 governed by chapter 260C, to a private foundation as defined

28 20 in section 509 of the Internal Revenue Code organized for the
28 21 support of a government body, or to an endow Iowa qualified
28 22 community foundation, as defined in section 15E.303, organized
28 23 for the support of a government body:

28 24 Sec. 58. Section 22.7, Code Supplement 2005, is amended by
28 25 adding the following new subsections:

28 26 NEW SUBSECTION. 53. Individually identifiable client
28 27 information contained in the records of the state database
28 28 created as a homeless management information system pursuant
28 29 to standards developed by the United States department of
28 30 housing and urban development and utilized by the Iowa
28 31 department of economic development.

28 32 NEW SUBSECTION. 54. The following information contained
28 33 in the records of any governmental body relating to any form
28 34 of housing assistance:

28 35 a. An applicant's social security number.
29 1 b. An applicant's personal financial history.
29 2 c. An applicant's personal medical history or records.
29 3 d. An applicant's current residential address when the
29 4 applicant has been granted or has made application for a civil
29 5 or criminal restraining order for the personal protection of
29 6 the applicant or a member of the applicant's household.

29 7 Sec. 59. Section 29A.28, subsections 1 and 3, Code 2005,
29 8 are amended to read as follows:

29 9 1. All officers and employees of the state, or a
29 10 subdivision thereof, or a municipality other than employees
29 11 employed temporarily for six months or less, who are members
29 12 of the national guard, organized reserves or any component
29 13 part of the military, naval, or air forces or nurse corps of
29 14 this state or nation, or who are or may be otherwise inducted
29 15 into the military service of this state or of the United
29 16 States, or who are members of the civil air patrol, shall,
29 17 when ordered by proper authority to state active duty, state
29 18 military service, or federal service, or when performing a
29 19 civil air patrol mission pursuant to section 29A.3A, be
29 20 entitled to a leave of absence from such civil employment for
29 21 the period of state active duty, state military service, ~~or~~
29 22 federal service, or civil air patrol duty without loss of
29 23 status or efficiency rating, and without loss of pay during
29 24 the first thirty days of such leave of absence. Where state
29 25 active duty, state military service, ~~or~~ federal service, or
29 26 civil air patrol duty is for a period of less than thirty
29 27 days, a leave of absence under this section shall only be
29 28 required for those days that the civil employee would normally
29 29 perform services for the state, subdivision of the state, or a
29 30 municipality.

29 31 3. Upon returning from a leave of absence under this
29 32 section, an employee shall be entitled to return to the same
29 33 position and classification held by the employee at the time
29 34 of entry into state active duty, state military service, ~~or~~
29 35 federal service, or civil air patrol duty, or to the position
30 1 and classification that the employee would have been entitled
30 2 to if the continuous civil service of the employee had not
30 3 been interrupted by state active duty, state military service,
30 4 ~~or~~ federal service, or civil air patrol duty. Under this
30 5 subsection, "position" includes the geographical location of
30 6 the position.

30 7 Sec. 60. Section 29A.40, unnumbered paragraph 2, Code
30 8 2005, is amended to read as follows:

30 9 Any person who, without authority under the laws of the
30 10 United States or of one of the states, wears the uniform of,
30 11 or a distinctive part of the uniform of the armed forces of
30 12 the United States, shall be guilty of a ~~simple~~ serious
30 13 misdemeanor.

30 14 Sec. 61. Section 29A.43, subsection 1, Code Supplement
30 15 2005, is amended to read as follows:

30 16 1. A person shall not discriminate against any officer or
30 17 enlisted person of the national guard or organized reserves of
30 18 the armed forces of the United States or any member of the
30 19 civil air patrol because of that membership. An employer, or
30 20 agent of an employer, shall not discharge a person from
30 21 employment because of being an officer or enlisted person of
30 22 the military forces of the state or member of the civil air
30 23 patrol, or hinder or prevent the officer or enlisted person or
30 24 member of the civil air patrol from performing any military
30 25 service or civil air patrol duty the person is called upon to
30 26 perform by proper authority. A member of the national guard
30 27 or organized reserves of the armed forces of the United States
30 28 ordered to temporary duty, as defined in section 29A.1,
30 29 subsection 3, 11, or 12, or a member of the civil air patrol
30 30 performing duty pursuant to section 29A.3A, for any purpose is

30 31 entitled to a leave of absence during the period of the duty
30 32 or service, from the member's private employment, other than
30 33 employment of a temporary nature, and upon completion of the
30 34 duty or service the employer shall restore the person to the
30 35 position held prior to the leave of absence, or employ the
31 1 person in a similar position. However, the person shall give
31 2 evidence to the employer of satisfactory completion of the
31 3 training or duty, and that the person is still qualified to
31 4 perform the duties of the position. The period of absence
31 5 shall be construed as an absence with leave, and shall in no
31 6 way affect the employee's rights to vacation, sick leave,
31 7 bonus, or other employment benefits relating to the employee's
31 8 particular employment. A person violating a provision of this
31 9 section is guilty of a simple misdemeanor.

31 10 Sec. 62. Section 29C.8, subsection 3, paragraph f, Code
31 11 Supplement 2005, is amended to read as follows:

31 12 f. ~~(1)~~ Approve and support the development and ongoing
31 13 operations of ~~an urban search and rescue team~~ homeland
31 14 security and emergency response teams to be deployed as a
31 15 resource to supplement and enhance disrupted or overburdened
31 16 local emergency and disaster operations and deployed as
31 17 available to provide assistance to other states pursuant to
31 18 the interstate emergency management assistance compact
31 19 described in section 29C.21. The following shall apply to
31 20 homeland security and emergency response teams:

31 21 ~~(2)~~ (1) A member of ~~an urban search and rescue a homeland~~
31 22 security and emergency response team acting under the
31 23 ~~authority this section upon the directive of the administrator~~
31 24 or pursuant to a governor's disaster proclamation as provided
31 25 in section 29C.6 shall be considered an employee of the state
31 26 ~~under for purposes of section 29C.21 and chapter 669 and shall~~
31 27 be afforded protection as an employee of the state under
31 28 section 669.21. Disability, workers' compensation, and death
31 29 benefits for team members working under the authority of the
31 30 administrator or pursuant to the provisions of section 29C.6
31 31 shall be paid by the state in a manner consistent with the
31 32 provisions of chapter 85, 410, or 411 as appropriate,
31 33 depending on the status of the member, provided that the
31 34 member is registered with the homeland security and emergency
31 35 management division as a member of an approved team and is
32 1 participating as a team member in a response or recovery
32 2 operation initiated by the administrator or governor pursuant
32 3 to this section or in a training or exercise activity approved
32 4 by the administrator.

32 5 (2) Each approved homeland security and emergency
32 6 management response team shall establish standards for team
32 7 membership, shall provide the division with a listing of all
32 8 team members, and shall update the list each time a member is
32 9 removed from or added to the team. Individuals so identified
32 10 as team members shall be considered to be registered as team
32 11 members for purposes of subparagraph (1).

32 12 (3) Upon notification of a compensable loss to a member of
32 13 a homeland security and emergency management response team,
32 14 the department of administrative services shall process the
32 15 claim and seek funding from the executive council for those
32 16 costs associated with covered benefits.

32 17 Sec. 63. Section 29C.20, subsection 1, paragraph a,
32 18 subparagraph (5), Code Supplement 2005, is amended to read as
32 19 follows:

32 20 (5) Paying the expenses incurred by and claims of ~~an urban~~
32 21 ~~search and rescue a homeland security and emergency response~~
32 22 ~~team when acting under the authority of the administrator and~~
32 23 ~~the provisions of section 29C.6 29C.8 and public health~~
32 24 ~~response teams when acting under the provisions of section~~
32 25 ~~135.143.~~

32 26 Sec. 64. Section 29C.20, subsection 1, paragraph b, Code
32 27 Supplement 2005, is amended to read as follows:

32 28 b. When a state department or agency requests that moneys
32 29 from the contingent fund be expended to repair, rebuild, or
32 30 restore state property injured, destroyed, or lost by fire,
32 31 storm, theft, or unavoidable cause, or to repair, rebuild, or
32 32 restore state property that is fiberoptic cable and that is
32 33 injured or destroyed by a wild animal, or to purchase a police
32 34 service dog for the department of corrections when such a dog
32 35 is injured or destroyed, or for payment of the expenses
33 1 incurred by and claims of ~~an urban search and rescue a~~
33 2 homeland security and emergency response team when acting
33 3 ~~under the authority of the administrator and the provisions of~~
33 4 ~~section 29C.6 29C.8,~~ the executive council shall consider the
33 5 original source of the funds for acquisition of the property
33 6 before authorizing the expenditure. If the original source

33 7 was other than the general fund of the state, the department
33 8 or agency shall be directed to utilize moneys from the
33 9 original source if possible. The executive council shall not
33 10 authorize the repairing, rebuilding, or restoring of the
33 11 property from the disaster aid contingent fund if it
33 12 determines that moneys from the original source are available
33 13 to finance the project.

33 14 Sec. 65. Section 35A.5, subsection 9, Code Supplement
33 15 2005, is amended to read as follows:

33 16 9. Establish and operate a state veterans cemetery and
33 17 make application to the government of the United States or any
33 18 subdivision, agency, or instrumentality thereof, for funds for
33 19 the purpose of establishing such a cemetery. The state may
33 20 enter into agreements with any subdivision of the state for
33 21 assistance in operating the cemetery. The state shall own the
33 22 land on which the cemetery is located.

33 23 PARAGRAPH DIVIDED. The department shall have the authority
33 24 to accept federal grant funds, funding from state
33 25 subdivisions, donations from private sources, and federal
33 26 "plot allowance" payments. ~~All such funds shall be deposited~~
~~33 27 into an account dedicated to the establishment, operation, and~~
~~33 28 maintenance of a veterans cemetery and these funds shall be~~
~~33 29 expended only for those purposes.~~ The department through the
33 30 director shall have the authority to accept suitable cemetery
33 31 land, in accordance with federal veterans cemetery grant
33 32 guidelines, from the federal government, state government,
33 33 state subdivisions, private sources, and any other source
33 34 wishing to transfer land for use as a veterans cemetery. The
33 35 department may lease or use property received pursuant to this
34 1 subsection for any purpose so long as such leasing or use does
34 2 not interfere with the use of the property for cemetery
34 3 purposes and is not contrary to federal or state guidelines.
34 4 All funds received pursuant to this subsection, including
34 5 lease payments or funds generated from any activity engaged in
34 6 on any property accepted pursuant to this subsection, shall be
34 7 deposited into an account dedicated to the establishment,
34 8 operation, and maintenance of a veterans cemetery and these
34 9 funds shall be expended only for those purposes.

34 10 PARAGRAPH DIVIDED. Notwithstanding section 8.33, any
34 11 moneys in the account for a state veterans cemetery shall not
34 12 revert and, notwithstanding section 12C.7, subsection 2,
34 13 interest or earnings on moneys deposited in the fund shall be
34 14 credited to the account.

34 15 Sec. 66. Section 35A.13, Code 2005, is amended by adding
34 16 the following new subsection:

34 17 NEW SUBSECTION. 5A. It is the intent of the general
34 18 assembly that beginning with the fiscal year beginning July 1,
34 19 2007, appropriations be made annually to the veterans trust
34 20 fund. Prior to any additional appropriations to this fund,
34 21 the commission shall provide the general assembly with
34 22 information identifying immediate and long-term veteran
34 23 services throughout the state and a plan for delivering those
34 24 services.

34 25 Sec. 67. Section 35A.13, subsection 6, Code 2005, is
34 26 amended by striking the subsection and inserting in lieu
34 27 thereof the following:

34 28 6. Moneys appropriated to the commission under this
34 29 section shall not be used to supplant funding provided by
34 30 other sources. The moneys may be expended upon a majority
34 31 vote of the commission membership for the benefit of veterans
34 32 and the spouses and dependents of veterans, for any of the
34 33 following purposes:

34 34 a. Travel expenses for wounded veterans directly related
34 35 to follow-up medical care.

35 1 b. Job training or college tuition assistance for job
35 2 retraining.

35 3 c. Unemployment assistance during a period of unemployment
35 4 due to prolonged physical or mental illness or disability
35 5 resulting from military service.

35 6 d. Expenses related to nursing facility or at-home care.

35 7 e. Benefits provided to children of disabled or deceased
35 8 veterans.

35 9 f. Individual counseling or family counseling programs.

35 10 g. Family support group programs or programs for children
35 11 of members of the military.

35 12 h. Honor guard services.

35 13 Sec. 68. Section 35A.13, Code 2005, is amended by adding
35 14 the following new subsection:

35 15 NEW SUBSECTION. 6A. If the commission identifies other
35 16 purposes for which the moneys appropriated under this section
35 17 may be used for the benefit of veterans and the spouses and

35 18 dependents of veterans, the commission shall submit
35 19 recommendations for the addition of such purposes to the
35 20 general assembly for review.
35 21 Sec. 69. Section 68B.32A, subsection 2, unnumbered
35 22 paragraph 2, Code Supplement 2005, is amended to read as
35 23 follows:

35 24 The board may establish a process to assign signature codes
35 25 to a person or committee for purposes of facilitating an
35 26 electronic filing procedure. The assignment of signature
35 27 codes shall be kept confidential, notwithstanding section
35 28 22.2. The board and persons electronically filing reports and
35 29 statements shall keep assigned signature codes or subsequently
35 30 selected signature codes confidential. Signature codes shall
35 31 not be subject to state security policies regarding frequency
35 32 of change.

35 33 Sec. 70. NEW SECTION. 70A.15A CHARITABLE GIVING PAYROLL
35 34 DEDUCTION BY OTHER THAN STATE OFFICER OR EMPLOYEE.

35 35 1. For purposes of this section, unless the context
36 1 otherwise requires:

36 2 a. "Applicable public employer" means a board of directors
36 3 of a school district, a county board of supervisors, or a
36 4 governing body of a city.

36 5 b. "Eligible charitable organization" means a not=
36 6 for-profit federation of health and human services, social
36 7 welfare, or environmental agencies or associations that meets
36 8 all of the following conditions:

36 9 (1) The federation is tax exempt under section 501(c)(3)
36 10 of the Internal Revenue Code and contributions to the
36 11 federation are deductible under section 170 of the Internal
36 12 Revenue Code.

36 13 (2) The federation has had an office in this state for the
36 14 last five years.

36 15 (3) The federation represents at least ten health and
36 16 human services, social welfare, or environmental agencies or
36 17 associations that are located in this state.

36 18 (4) The federation is governed by an active, voluntary
36 19 board, which exercises administrative control over the
36 20 federation.

36 21 (5) The federation is not a charitable foundation.

36 22 (6) The federation is registered with the secretary of
36 23 state's office.

36 24 2. An applicable public employer may authorize deductions
36 25 from the salaries or wages of its employees of an amount
36 26 specified by an employee for payment to an eligible charitable
36 27 organization. The authorization by an employee for deductions
36 28 from the employee's salary or wages shall be evidenced by a
36 29 written request signed by the employee directed to and filed
36 30 with the treasurer, or official in charge of the payroll
36 31 system, of the applicable public employer and the treasurer or
36 32 responsible official shall deduct from the salary or wages of
36 33 the employee the amount specified for payment to the eligible
36 34 charitable organization. The request for the deduction may be
36 35 withdrawn by the employee at any time by filing a written
37 1 notification of withdrawal with the applicable treasurer or
37 2 responsible official in charge of the payroll system.

37 3 3. If an applicable public employer authorizes deductions
37 4 from the salaries or wages of its employees for payment to any
37 5 eligible charitable organization, the applicable public
37 6 employer shall ensure that an employee shall be permitted to
37 7 authorize a deduction to any eligible charitable organization.

37 8 Sec. 71. Section 103A.10, subsection 2, Code 2005, is
37 9 amended by adding the following new paragraph:

37 10 NEW PARAGRAPH. c. To all newly constructed buildings and
37 11 structures the construction of which is paid for in whole or
37 12 in part with moneys appropriated by the state but not wholly
37 13 owned by the state.

37 14 Sec. 72. NEW SECTION. 103A.10A PLAN REVIEWS AND
37 15 INSPECTIONS.

37 16 1. Beginning on January 1, 2007, all newly constructed
37 17 buildings or structures, excluding any addition, renovation,
37 18 or repair of a building or structure whether existing prior to
37 19 January 1, 2007, or thereafter, that are owned by the state or
37 20 an agency of the state, except as provided in subsection 2,
37 21 shall be subject to a plan review and inspection by the
37 22 commissioner or an independent building inspector appointed by
37 23 the commissioner. A fee shall be assessed for the cost of
37 24 plan review and the cost of inspection.

37 25 2. Beginning on July 1, 2007, all newly constructed
37 26 buildings, excluding any addition, renovation, or repair of a
37 27 building whether existing prior to July 1, 2007, or
37 28 thereafter, that are owned by the state board of regents shall

37 29 be subject to a plan review and inspection by the commissioner
37 30 or the commissioner's staff or assistant. The commissioner
37 31 and the state board of regents shall develop a plan to
37 32 implement the requirements of this subsection, including
37 33 funding recommendations related to plan review and inspection,
37 34 by March 1, 2007.

37 35 3. All newly constructed buildings and structures the
38 1 construction of which is paid for in whole or in part with
38 2 moneys appropriated by the state but not wholly owned by the
38 3 state are subject to the plan review and inspection
38 4 requirements as provided in this subsection. If a
38 5 governmental subdivision has adopted a building code,
38 6 electrical code, mechanical code, and plumbing code and
38 7 performs inspections pursuant to such codes, such buildings or
38 8 structures shall be built to comply with such codes. However,
38 9 if a governmental subdivision has not adopted a building code,
38 10 electrical code, mechanical code, and plumbing code, or does
38 11 not perform inspections pursuant to such codes, such buildings
38 12 or structures shall be built to comply with the state building
38 13 code and shall be subject to a plan review and inspection by
38 14 the commissioner or an independent building inspector
38 15 appointed by the commissioner. A fee shall be assessed for
38 16 the cost of plan review and the cost of inspection.

38 17 4. The commissioner shall administer this section
38 18 notwithstanding section 103A.19. The commissioner shall
38 19 establish by rule proper qualifications for an independent
38 20 building inspector and for the commissioner's staff or
38 21 assistant who performs inspections, and fees for plan reviews
38 22 and inspections.

38 23 Sec. 73. Section 147.106, subsection 1, paragraph e, Code
38 24 Supplement 2005, is amended to read as follows:

38 25 e. The referring clinical laboratory, other than the
38 26 laboratory of a physician's office or group practice, that
38 27 ordered the services. A laboratory of a physician's office or
38 28 group practice that ordered the services may be presented a
38 29 claim, bill, or demand for payment if a physician in the
38 30 physician's office or group practice is performing the
38 31 professional component of the anatomic pathology services.

38 32 Sec. 74. Section 147.106, subsection 5, Code Supplement
38 33 2005, is amended to read as follows:

38 34 5. This section does not prohibit claims or charges
38 35 presented ~~by to~~ a referring clinical laboratory, other than a
39 1 laboratory of a physician's office or group practice, ~~to~~
39 2 unless in accordance with subsection 1, paragraph "e", by
39 3 another clinical laboratory when samples are transferred
39 4 between laboratories for the provision of anatomic pathology
39 5 services.

39 6 Sec. 75. Section 225C.48, subsection 1, Code 2005, if
39 7 amended by both 2006 Iowa Acts, House File 845, if enacted,
39 8 and by 2006 Iowa Acts, Senate File 2217, section 22, if
39 9 enacted, is amended by striking the subsection and inserting
39 10 in lieu thereof the following:

39 11 1. a. An eleven-member comprehensive family support
39 12 council is created in the department. The members of the
39 13 council shall be appointed by the governor. At least five of
39 14 the members shall be family members of individuals with a
39 15 disability as defined in section 225C.47. At least five of
39 16 the members shall be current or former service consumers or
39 17 family members of such service consumers. Members shall serve
39 18 for three-year staggered terms. A vacancy on the council
39 19 shall be filled in the same manner as the original
39 20 appointment.

39 21 b. The members of the council are entitled to
39 22 reimbursement of actual and necessary expenses incurred in the
39 23 performance of their official duties. In addition, the
39 24 members who are family members of individuals with a
39 25 disability or current or former service consumers or family
39 26 members of such service consumers are entitled to a stipend of
39 27 fifty dollars for each council meeting attended, subject to a
39 28 limit of one meeting per month. The expenses and stipend
39 29 shall be paid from the appropriation made for purposes of the
39 30 comprehensive family support program.

39 31 c. The council shall elect officers from among the
39 32 council's members.

39 33 Sec. 76. Section 232.147, subsection 2, paragraph b, if
39 34 enacted by 2006 Iowa Acts, House File 2651, section 1, is
39 35 amended to read as follows:

40 1 b. Official juvenile court records containing a petition
40 2 or complaint alleging delinquency filed on or after January 1,
40 3 2007, shall be public records subject to a confidentiality
40 4 order under section 232.149A or sealing under section 232.150.

40 5 ~~However, the~~ The official records shall not be available to
40 6 the public or any governmental agency through the internet or
40 7 in an electronic customized data report unless the child has
40 8 been adjudicated delinquent. ~~However, the following shall~~
40 9 ~~have access to official juvenile court records through the~~
40 10 ~~internet or in an electronic customized data report prior to~~
40 11 ~~the child being adjudicated delinquent:~~

40 12 (1) ~~The judge and professional court staff, including~~
40 13 ~~juvenile court officers.~~

40 14 (2) ~~The child's counsel or guardian ad litem.~~

40 15 (3) ~~The county attorney and the county attorney's~~
40 16 ~~assistants.~~

40 17 (4) ~~A court, court professional staff, and adult probation~~
40 18 ~~officers in connection with the preparation of a presentence~~
40 19 ~~report concerning a person who prior thereto had been the~~
40 20 ~~subject of a juvenile court proceeding.~~

40 21 (5) ~~A state or local law enforcement agency.~~

40 22 (6) ~~The state public defender.~~

40 23 (7) ~~The division of criminal and juvenile justice planning~~
40 24 ~~of the department of human rights.~~

40 25 Sec. 77. Section 232.149A, subsection 3, if enacted by
40 26 2006 Iowa Acts, House File 2651, section 2, is amended by
40 27 adding the following new paragraph:

40 28 NEW PARAGRAPH. i. The state public defender.

40 29 Sec. 78. NEW SECTION. 257.12 ADJUSTMENT IN STATE
40 30 FOUNDATION AID.

40 31 1. If a school district is required to repay property
40 32 taxes paid for school taxes levied on property originally
40 33 assessed at five million dollars or more because the
40 34 assessment was subsequently reduced by the action of the
40 35 property assessment appeal board or judicial action and the
41 1 amount of the reduction in the assessment equals at least one
41 2 hundred thousand dollars or two percent of the assessed value
41 3 of all taxable property in the district prior to the
41 4 reduction, whichever is less, the school district is eligible
41 5 for an adjustment in state foundation aid. To receive the
41 6 adjustment in state foundation aid, the school district shall
41 7 apply to the department of management prior to the beginning
41 8 of the budget year following the budget year in which the
41 9 repayment of the property taxes occurred. The department of
41 10 management shall determine the amount of adjustment in state
41 11 foundation aid pursuant to subsection 2.

41 12 2. The department of management shall determine the amount
41 13 of state foundation aid which the school district would have
41 14 received under section 257.1 if the amount of the school
41 15 district's foundation property tax was determined using the
41 16 reduced assessment of the applicable property. The difference
41 17 between the amount of the state foundation aid using the
41 18 reduced assessment and the amount of state foundation aid
41 19 actually received under section 257.1 equals the amount of the
41 20 adjustment in state foundation aid to be paid to the school
41 21 district.

41 22 3. The adjustment in state foundation aid under this
41 23 section shall be paid as provided in section 257.16. If the
41 24 application to receive an adjustment in state aid was filed
41 25 prior to April 15, the adjustment shall be paid in the budget
41 26 year. If the application is made after April 15, the
41 27 adjustment shall be paid in the following budget year.

41 28 Sec. 79. Section 275.15, unnumbered paragraph 4, Code
41 29 2005, is amended to read as follows:

41 30 The administrator shall at once publish the decision in the
41 31 same newspaper in which the original notice was published.
41 32 Within twenty days after the publication, the decision
41 33 rendered by the area education agency board may be appealed to
41 34 the district court in the county involved by any school
41 35 district affected. For purposes of appeal, only those school
42 1 districts who filed reorganization petitions are school
42 2 districts affected. An appeal from a decision of an area
42 3 education agency board or joint area education agency boards
42 4 under section 275.4, 275.16, or this section is subject to
42 5 appeal procedures under this chapter and is ~~not~~ subject to
42 6 appeal under procedures set forth in chapter 290.

42 7 Sec. 80. Section 314.1, subsection 2, Code 2005, as
42 8 amended by 2006 Iowa Acts, House File 2713, section 27, is
42 9 amended to read as follows:

42 10 2. Notwithstanding any other provision of law to the
42 11 contrary, a public improvement that involves the construction,
42 12 reconstruction, or improvement of a highway, bridge, or
42 13 culvert and that has a cost in excess of the applicable
42 14 threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, or
42 15 313.10, as modified by the bid threshold subcommittee pursuant

42 16 to section 314.1B, shall be advertised and let for bid, except
42 17 such public improvements that involve emergency work pursuant
42 18 to section 309.40A, 313.10, or 384.103, subsection 2. For a
42 19 city having a population of fifty thousand or less, a public
42 20 improvement that involves the construction, reconstruction, or
42 21 improvement of a highway, bridge, or culvert that has a cost
42 22 in excess of twenty-five thousand dollars, as modified by the
42 23 bid threshold subcommittee pursuant to section 314.1B, shall
42 24 be advertised and let for bid, excluding emergency work.
42 25 However, a public improvement that has an estimated total cost
42 26 to a city in excess of a threshold of fifty thousand dollars,
42 27 as modified by the bid threshold subcommittee pursuant to
42 28 section 314.1B, and that involves the construction,
42 29 reconstruction, or improvement of a highway, bridge, or
42 30 culvert that is under the jurisdiction of a city with a
42 31 population of more than fifty thousand, shall be advertised
42 32 and let for bid. Cities required to competitively bid
42 33 highway, bridge, or culvert work shall do so in compliance
42 34 with the contract letting procedures of sections 38.3 through
42 35 38.13.

43 1 Sec. 81. Section 352.2, subsection 7, Code 2005, is
43 2 amended to read as follows:

43 3 7. "Farm products" means those plants and animals and
43 4 their products which are useful to people and includes but is
43 5 not limited to forages and sod crops, grains and feed crops,
43 6 dairy and dairy products, poultry and poultry products,
43 7 livestock, canines from licensed facilities, fruits,
43 8 vegetables, flowers, seeds, grasses, trees, fish, honey, and
43 9 other similar products, or any other plant, animal, or plant
43 10 or animal product which supplies people with food, feed,
43 11 fiber, or fur.

43 12 Sec. 82. Section 421.17, subsection 27, paragraph j, if
43 13 enacted by 2006 Iowa Acts, House File 2521, is amended by
43 14 striking the paragraph and inserting in lieu thereof the
43 15 following:

43 16 j. Of the amount of debt actually collected pursuant to
43 17 this subsection an amount, not to exceed the amount collected,
43 18 which is sufficient to pay for salaries, support, maintenance,
43 19 services, and other costs incurred by the department related
43 20 to the administration of this subsection shall be retained by
43 21 the department. Revenues retained by the department pursuant
43 22 to this section shall be considered repayment receipts as
43 23 defined in section 8.2. The director shall, in the annual
43 24 budget request pursuant to section 8.23, make an estimate as
43 25 to the amount of receipts to be retained and the estimated
43 26 amount of additional receipts to be collected. The director
43 27 shall report annually to the department of management, the
43 28 legislative fiscal committee, and the legislative services
43 29 agency on any additional positions added and the costs
43 30 incurred during the previous fiscal year pursuant to this
43 31 subsection.

43 32 Sec. 83. Section 423.1, subsection 3, Code Supplement
43 33 2005, is amended to read as follows:

43 34 3. "Agricultural production" includes the production of
43 35 flowering, ornamental, or vegetable plants in commercial
44 1 greenhouses or otherwise, and production from aquaculture or
44 2 canines from licensed facilities. "Agricultural products"
44 3 includes flowering, ornamental, or vegetable plants and those
44 4 products of aquaculture or canines from licensed facilities.

44 5 Sec. 84. Section 427.1, subsection 21A, Code Supplement
44 6 2005, is amended by striking the subsection and inserting in
44 7 lieu thereof the following:

44 8 21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY HOUSING
44 9 DEVELOPMENT ORGANIZATION. Dwelling unit property owned and
44 10 managed by a community housing development organization, as
44 11 recognized by the state of Iowa and the federal government
44 12 pursuant to criteria for community housing development
44 13 organization designation contained in the HOME program of the
44 14 federal National Affordable Housing Act of 1990, if the
44 15 organization is also a nonprofit organization exempt from
44 16 federal income tax under section 501(c)(3) of the Internal
44 17 Revenue Code and owns and manages more than one hundred and
44 18 fifty dwelling units that are located in a city with a
44 19 population of more than one hundred ten thousand.

44 20 Sec. 85. NEW SECTION. 441.38A NOTICE TO SCHOOL DISTRICT.

44 21 In addition to any other requirement for providing of
44 22 notice, if a property owner or aggrieved taxpayer files a
44 23 protest against the assessment of property valued at five
44 24 million dollars or more or files an appeal to the property
44 25 assessment appeal board or the district court with regard to
44 26 such property, the assessor shall provide notice to the school

44 27 district in which such property is located within ten days of
44 28 the filing of the protest or the appeal, as applicable.
44 29 Sec. 86. Section 466A.3, subsection 1, paragraph b, Code
44 30 Supplement 2005, is amended to read as follows:
44 31 b. The board shall consist of four members of the general
44 32 assembly who shall serve as ~~voting ex officio, nonvoting~~
44 33 members. Not more than one member from each house shall be
44 34 from the same political party. Two state senators shall be
44 35 appointed, one by the majority leader of the senate and one by
45 1 the minority leader of the senate. Two state representatives
45 2 shall be appointed, one by the speaker of the house of
45 3 representatives and one by the minority leader of the house of
45 4 representatives. A member may designate another person to
45 5 attend a board meeting if the member is unavailable. Only the
45 6 member is eligible for per diem and expenses as provided in
45 7 section 2.10.

45 8 Sec. 87. Section 631.14, Code 2005, is amended to read as
45 9 follows:

45 10 631.14 REPRESENTATION IN SMALL CLAIMS ACTIONS.

45 11 1. Actions constituting small claims may be brought or
45 12 defended by an individual, partnership, association,
45 13 corporation, or other entity. In actions in which a person
45 14 other than an individual is a party, that person may be
45 15 represented by an officer or an employee.

45 16 2. In actions concerning residential rental property that
45 17 is titled in the name of one or more individuals, an employee
45 18 of one or more of the titled owners, or an officer or employee
45 19 of a property management entity acting on behalf of one or
45 20 more of the titled owners, may bring or defend an action in
45 21 the name of the titled owners, the property management entity,
45 22 or the name by which the property is commonly known.

45 23 Notwithstanding any other provision to the contrary, if the
45 24 defendant or plaintiff has been improperly named in the
45 25 petition in an action concerning residential rental property,
45 26 the real party in interest shall be substituted at the time
45 27 the error is identified and the action shall not be dismissed
45 28 or delayed except to the extent necessary to identify and
45 29 serve the real parties in interest.

45 30 3. A person who in the regular course of business takes
45 31 assignments of instruments or accounts pursuant to chapter
45 32 539, which assignments constitute small claims, may bring an
45 33 action on an assigned instrument or account in the person's
45 34 own name and need not be represented by an attorney, provided
45 35 that in an action brought to recover payment on a dishonored
46 1 check or draft, as defined in section 554.3104, the action is
46 2 brought in the county of residence of the maker of the check
46 3 or draft or in the county where the draft or check was first
46 4 presented. Any person, however, may be represented in a small
46 5 claims action by an attorney.

46 6 Sec. 88. 2006 Iowa Acts, Senate File 2251, section 1,
46 7 subsection 2, paragraph b, is amended by adding the following
46 8 new subparagraphs:

46 9 NEW SUBPARAGRAPH. (35) The Iowa podiatric medical
46 10 society.

46 11 NEW SUBPARAGRAPH. (36) The Iowa speech=language hearing
46 12 association.

46 13 Sec. 89. EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

46 14 1. The section of this division of this Act amending
46 15 section 7D.29, being deemed of immediate importance, takes
46 16 effect upon enactment.

46 17 2. The section of this division of this Act amending
46 18 section 427.1, subsection 21A, being deemed of immediate
46 19 importance, takes effect upon enactment and applies
46 20 retroactively to January 1, 2005, for assessment years
46 21 beginning on or after that date.

46 22 3. The section of this division of this Act enacting
46 23 section 441.38A takes effect January 1, 2007, and applies to
46 24 assessment years beginning on or after that date.

46 25 DIVISION VI

46 26 SETTLEMENT OF STATE FINANCIAL AND TORT CLAIMS

46 27 Sec. 90. Section 8.6, Code 2005, is amended by adding the
46 28 following new subsection:

46 29 NEW SUBSECTION. 15. STATE TORT CLAIMS == RISK MANAGEMENT
46 30 COORDINATOR. Designate a position within the department to
46 31 serve as the executive branch's risk management coordinator.
46 32 The risk management coordinator shall have all of the
46 33 following responsibilities:

46 34 a. Coordinating and monitoring risk control policies and
46 35 programs in the executive branch, including but not limited to
47 1 coordination with the employees of departments who are
47 2 responsible for the workers' compensation for state employees

47 3 and management of state property.

47 4 b. Consulting with the attorney general with respect to
47 5 the risk control policies and programs and trends in claims
47 6 and liability of the state under chapter 669.

47 7 c. Coordinating the state's central data repository for
47 8 claims and risk information.

47 9 The costs of salary, benefits, and support for the risk
47 10 management coordinator shall be authorized by the state appeal
47 11 board established in chapter 73A and shall be paid as claims
47 12 for services furnished to the state under section 25.2.

47 13 Sec. 91. Section 8A.512, subsection 1, paragraph b,
47 14 subparagraph (3), Code 2005, is amended to read as follows:

47 15 (3) Claims approved by an agency according to the
47 16 provisions of ~~sections 25.1 and section~~ 25.2.

47 17 Sec. 92. Section 22.7, subsection 32, Code Supplement
47 18 2005, is amended to read as follows:

47 19 32. Social security numbers of the owners of unclaimed
47 20 property reported to the treasurer of state pursuant to
47 21 section 556.11, subsection 2, included on claim forms filed
47 22 with the treasurer of state pursuant to section 556.19,
47 23 included in outdated warrant reports received by the treasurer
47 24 of state pursuant to section ~~25.2~~ 556.2C, or stored in record
47 25 systems maintained by the treasurer of state for purposes of
47 26 administering chapter 556, or social security numbers of
47 27 payees included on state warrants included in records systems
47 28 maintained by the department of administrative services for
47 29 the purpose of documenting and tracking outdated warrants
47 30 pursuant to section ~~25.2~~ 556.2C.

47 31 Sec. 93. Section 25.1, subsection 1, Code 2005, is amended
47 32 to read as follows:

47 33 1. ~~When~~ Except for those claims that are addressed as
47 34 provided in section 25.2, subsection 2, when a claim is filed
47 35 or made against the state, on which in the judgment of the
48 1 director of the department of management the state would be
48 2 liable except for the fact of its sovereignty or that it has
48 3 no appropriation available for its payment, the director of
48 4 the department of management shall deliver that claim to the
48 5 state appeal board. However, this chapter does not apply to a
48 6 claim as defined in section 669.2.

48 7 Sec. 94. Section 25.1, subsection 3, Code 2005, is amended
48 8 by striking the subsection.

48 9 Sec. 95. Section 25.1, unnumbered paragraph 1, Code 2005,
48 10 is amended by striking the unnumbered paragraph.

48 11 Sec. 96. Section 25.2, subsection 1, unnumbered paragraph
48 12 1, Code 2005, is amended to read as follows:

48 13 The state appeal board with the recommendation of the
48 14 special assistant attorney general for claims may approve or
48 15 reject claims against the state of less than ~~ten~~ five years
48 16 involving the following:

48 17 Sec. 97. Section 25.2, subsection 1, paragraph a, Code
48 18 2005, is amended by striking the paragraph.

48 19 Sec. 98. Section 25.2, Code 2005, is amended by adding the
48 20 following new subsection:

48 21 NEW SUBSECTION. 1A. Notwithstanding the time period
48 22 specified in subsection 1, the state appeal board may approve
48 23 or reject a claim against the state of five years or more,
48 24 provided an error was made by the state or the claim involves
48 25 a dispute that commenced five years or more prior.

48 26 Sec. 99. Section 25.2, subsection 2, Code 2005, is amended
48 27 to read as follows:

48 28 2. a. Notwithstanding subsection 1, an agency that
48 29 receives a claim that is charged to a funding source other
48 30 than the general fund of the state that does not revert and is
48 31 based on an outdated invoice, outdated bill for merchandise,
48 32 or for services furnished to the state pursuant to section
48 33 25.1, subsection 3, may on its own approve or deny the claim.
48 34 The agency shall provide the state appeal board with
48 35 notification of receipt of the claim and action taken on the
49 1 claim by the agency. The state appeal board shall adopt rules
49 2 setting forth the procedures and standards for resolution of
49 3 such claims by state agencies. Claims denied by an agency
49 4 shall be forwarded to the state appeal board by the agency for
49 5 further consideration, in accordance with this chapter.

49 6 b. The department of administrative services staff
49 7 performing financial administration duties under chapter 8A,
49 8 subchapter V, shall establish reporting requirements for
49 9 dealing with claims under this subsection as necessary to
49 10 conform with generally accepted accounting principles.

49 11 Sec. 100. Section 25.2, subsection 4, Code 2005, is
49 12 amended by striking the subsection and inserting in lieu
49 13 thereof the following:

49 14 4. Outstanding state warrants that have been canceled
49 15 pursuant to section 8A.519 and were charged to the general
49 16 fund of the state or another state funding source shall be
49 17 addressed as provided in section 556.2C.

49 18 Sec. 101. Section 25.2, subsection 5, Code 2005, is
49 19 amended by striking the subsection.

49 20 Sec. 102. NEW SECTION. 556.2C OUTSTANDING STATE
49 21 WARRANTS.

49 22 1. a. An unpaid, outdated warrant that is canceled
49 23 pursuant to section 8A.519 shall be included in a list of
49 24 outstanding state warrants maintained by the director of the
49 25 department of administrative services. On or before July 1 of
49 26 each year, the director of the department of administrative
49 27 services shall provide the office of the treasurer of state
49 28 with a consolidated list of such outstanding warrants that
49 29 have not been previously reported to the office.

49 30 b. The consolidated list shall be accompanied by
49 31 supporting information as specified by the treasurer of state.
49 32 The treasurer of state may include information regarding the
49 33 outstanding warrants in the notice published pursuant to
49 34 section 556.12 and on the treasurer of state's official
49 35 internet website.

50 1 c. The reporting requirements of this section do not apply
50 2 to outdated warrants charged to federal grants or other
50 3 nonstate funds for which funding is no longer available as
50 4 described in section 25.2.

50 5 2. An agreement to pay compensation to recover or assist
50 6 in the recovery of an outstanding warrant made within twenty=
50 7 four months after the date the warrant is canceled is
50 8 unenforceable. However, an agreement made after twenty=four
50 9 months from the date the warrant is canceled is valid if the
50 10 fee or compensation agreed upon is not more than fifteen
50 11 percent of the recoverable property, the agreement is in
50 12 writing and signed by the payee, and the writing discloses the
50 13 nature and value of the property and the name and address of
50 14 the person in possession. This subsection does not apply to a
50 15 payee who has a bona fide fee contract with a practicing
50 16 attorney regulated under chapter 602, article 10.

50 17 Sec. 103. Section 556.18, subsection 2, Code 2005, is
50 18 amended by adding the following new paragraph:

50 19 NEW PARAGRAPH. d. Any costs in connection with
50 20 information on outstanding state warrants addressed pursuant
50 21 to section 556.2C.

50 22 Sec. 104. Section 669.2, subsection 2, Code Supplement
50 23 2005, is amended to read as follows:

50 24 2. "Award" means any amount determined by the ~~state appeal~~
50 25 ~~board attorney general~~ to be payable to a claimant under
50 26 section 669.3, and the amount of any compromise or settlement
50 27 under section 669.9.

50 28 Sec. 105. Section 669.3, Code 2005, is amended to read as
50 29 follows:

50 30 669.3 ADJUSTMENT AND SETTLEMENT OF CLAIMS.

50 31 ~~1. Authority is hereby conferred upon the state appeal~~
50 32 ~~board, acting The attorney general, on behalf of the state of~~
50 33 ~~Iowa, subject to the advice and approval of the attorney~~
50 34 ~~general, to shall consider, ascertain, adjust, compromise,~~
50 35 ~~settle, determine, and allow any claim as defined in that is~~
51 1 ~~subject to this chapter. If any claim is compromised,~~

51 2 ~~settled, or allowed in an amount of more than five thousand~~
51 3 ~~dollars, the unanimous approval of all members of the state~~
51 4 ~~appeal board and the attorney general shall be required and~~
51 5 ~~the approval of the district court of the state of Iowa for~~
51 6 ~~Polk county shall also be required.~~

51 7 ~~2. Claims A claim~~ made under this chapter shall be filed
51 8 with the director of ~~the department of~~ management, who shall
51 9 acknowledge receipt on behalf of the state ~~appeal board.~~

51 10 ~~3. The state appeal board shall adopt rules and procedures~~
51 11 ~~for the handling, processing, and investigation of claims,~~
51 12 ~~according to the provisions of the Iowa administrative~~
51 13 ~~procedure Act, in accordance with chapter 17A.~~

51 14 Sec. 106. Section 669.4, unnumbered paragraph 5, Code
51 15 2005, is amended by striking the unnumbered paragraph.

51 16 Sec. 107. Section 669.5, Code 2005, is amended to read as
51 17 follows:

51 18 669.5 WHEN SUIT PERMITTED == EMPLOYEES OF THE STATE.

51 19 ~~1. No A suit shall not be permitted for a claim~~ under this
51 20 chapter unless the ~~state appeal board attorney general~~ has
51 21 made final disposition of the claim ~~except that if, However,~~
51 22 ~~if the state appeal board attorney general~~ does not make final
51 23 disposition of a claim within six months after the claim is
51 24 made in writing to the ~~state appeal board director of the~~

51 25 department of management, the claimant may, by notice in
51 26 writing, withdraw the claim from consideration ~~of the state~~
51 27 ~~appeal board~~ and begin suit under this chapter. Disposition
51 28 of or offer to settle any claim made under this chapter shall
51 29 not be competent evidence of liability or amount of damages in
51 30 any suit under this chapter.

51 31 2. a. Upon certification by the attorney general that a
51 32 defendant in a suit was an employee of the state acting within
51 33 the scope of the employee's office or employment at the time
51 34 of the incident upon which the claim is based, the suit
51 35 commenced upon the claim shall be deemed to be an action
52 1 against the state under the provisions of this chapter, and if
52 2 the state is not already a defendant, the state shall be
52 3 substituted as the defendant in place of the employee.

52 4 b. If the attorney general refuses to certify that a
52 5 defendant was acting within the scope of the defendant's
52 6 office or employment as described in paragraph "a" at the time
52 7 of the incident out of which the claim arose, the defendant
52 8 may petition the court, with notice to the attorney general,
52 9 for the court to find and certify that the defendant was an
52 10 employee of the state and was acting within the scope of the
52 11 defendant's office or employment. The defendant must file the
52 12 petition within ninety days of the date the attorney general
52 13 serves notice of the attorney general's refusal to provide
52 14 certification as provided in paragraph "a". If the court
52 15 issues the finding and certification, the suit shall be deemed
52 16 to be brought against the state and subject to the provisions
52 17 of this chapter and the state shall be substituted as the
52 18 defendant party unless the state is already a defendant. If
52 19 the court denies the petition for certification, the order
52 20 shall not be a final order and is not subject to interlocutory
52 21 appeal by the defendant.

52 22 Sec. 108. Section 669.13, Code 2005, is amended to read as
52 23 follows:

52 24 669.13 LIMITATION OF ACTIONS.

52 25 1. ~~Every~~ A claim ~~and or~~ otherwise permitted under
52 26 this chapter shall be forever barred, unless within two years
52 27 after ~~such the~~ claim accrued, the claim is made in writing to
52 28 ~~and filed with the state appeal board director of the~~
52 29 ~~department of management~~ under this chapter. The time to
52 30 begin a suit under this chapter shall be extended for a period
52 31 of six months from the date of mailing of notice to the
52 32 claimant by the ~~state appeal board attorney general~~ as to the
52 33 final disposition of the claim or from the date of withdrawal
52 34 of the claim ~~from the state appeal board~~ under section 669.5,
52 35 if the time to begin suit would otherwise expire before the

53 1 end of ~~such the~~ period.
53 2 2. If a claim is made or filed under any other law of this
53 3 state and a determination is made by a state agency or court
53 4 that this chapter provides the exclusive remedy for the claim,
53 5 the time two-year period authorized in subsection 1 to make a
53 6 claim and to begin a suit under this chapter shall be extended
53 7 for a period of six months from the date of the court order
53 8 making such determination or the date of mailing of notice to
53 9 the claimant of such determination by a state agency, if the
53 10 time to make the claim and to begin the suit under this
53 11 chapter would otherwise expire before the end of ~~such the two-~~
53 12 ~~year~~ period. The time to begin a suit under this chapter may
53 13 be further extended as provided in ~~the preceding paragraph~~
53 14 subsection 1.

53 15 3. This section is the only statute of limitations
53 16 applicable to claims as defined in this chapter.

53 17 Sec. 109. Section 669.15, Code 2005, is amended to read as
53 18 follows:

53 19 669.15 ~~ATTORNEY'S~~ ATTORNEY FEES AND EXPENSES.

53 20 The court rendering a judgment for ~~the a~~ claimant under
53 21 this chapter, ~~or the state appeal board, with the advice and~~
53 22 ~~approval of the attorney general, making an award under~~
53 23 ~~section 669.3, or the attorney general making an award under~~
53 24 ~~section 669.9, as the case may be, shall, as a part of the~~
53 25 judgment or award, determine and allow reasonable ~~attorney's~~
53 26 attorney fees and expenses, to. ~~The attorney fees and~~
53 27 expenses shall be paid out of but not in addition to the
53 28 amount of judgment or award recovered, to the attorneys
53 29 representing the claimant. Any attorney who charges, demands,
53 30 receives, or collects for services rendered in connection with
53 31 such claim any amount in excess of that allowed under this
53 32 section, if recovery be had, shall be guilty of a serious
53 33 misdemeanor.

53 34 Sec. 110. Section 669.18, Code 2005, is amended to read as
53 35 follows:

54 1 669.18 EXTENSION OF TIME.

54 2 If a claim is made or a suit is begun under this chapter,
54 3 and if a determination is made by the ~~state appeal board~~
54 4 attorney general or by the court that the claim or suit is not
54 5 permitted under this chapter for any reason other than lapse
54 6 of time, the time to make a claim or to begin a suit under any
54 7 other applicable law of this state shall be extended for a
54 8 period of six months from the date of the court order making
54 9 such determination or the date of mailing of notice to the
54 10 claimant of such determination by the ~~state appeal board~~
54 11 attorney general, if the time to make the claim or begin the
54 12 suit under such other law would otherwise expire before the
54 13 end of such period.

54 14 Sec. 111. Section 669.19, Code 2005, is amended to read as
54 15 follows:

54 16 669.19 INVESTIGATION OF CLAIMS BEFORE APPEAL BOARD.

54 17 ~~Chapter 25 does not apply to claims as defined in this~~
54 18 ~~chapter. However, any or all of the provisions of sections~~
54 19 ~~25.1, 25.4, and 25.5 may be made applicable to claims as~~
54 20 ~~defined in this chapter by agreement between the attorney~~
54 21 ~~general and the state appeal board from time to time. The~~
54 22 attorney general shall fully investigate each claim under this
54 23 chapter and may exercise the authority provided in section
54 24 25.5 in performing the investigation.

54 25 Sec. 112. Section 669.20, Code 2005, is amended to read as
54 26 follows:

54 27 669.20 LIABILITY INSURANCE.

54 28 ~~Whenever~~ If a claim or suit against the state is covered by
54 29 liability insurance, the provisions of the liability insurance
54 30 policy on defense and settlement shall be applicable
54 31 notwithstanding any inconsistent provisions of this chapter.
54 32 The attorney general ~~and the state appeal board~~ shall ~~co-~~
54 33 operate cooperate with the insurance company.

54 34 Sec. 113. Section 669.21, Code 2005, is amended to read as
54 35 follows:

55 1 669.21 EMPLOYEES DEFENDED AND INDEMNIFIED.

55 2 1. The Except as otherwise provided in subsection 2, the
55 3 state shall defend any employee, and shall indemnify and hold
55 4 harmless an employee against any claim as defined in section
55 5 669.2, subsection 3, paragraph "b", including claims arising
55 6 under the Constitution, statutes, or rules of the United
55 7 States or of any state.

55 8 2. a. The duty to indemnify and hold harmless shall not
55 9 apply and the state shall be entitled to restitution from an
55 10 employee if the employee fails to cooperate in the
55 11 investigation or defense of the claim, as defined in this
55 12 section, or if, in an action commenced by the state against
55 13 the employee, it is determined that the conduct of the
55 14 employee upon which a tort claim or demand was based
55 15 constituted a willful and wanton act or omission or
55 16 malfeasance in office.

55 17 b. The duty to indemnify and hold harmless shall not apply
55 18 if, in a suit commenced against the employee, the state has
55 19 been substituted as the defendant in place of the employee, as
55 20 provided in section 669.5.

55 21 DIVISION VII

55 22 CORRECTIVE PROVISIONS

55 23 Sec. 114. Section 8A.204, subsection 3, paragraph g,
55 24 subparagraph (4), unnumbered paragraph 2, as enacted by 2006
55 25 Iowa Acts, House File 2705, section 1, is amended to read as
55 26 follows:

55 27 The board shall keep detailed minutes of all discussion,
55 28 persons present, and action occurring at a closed session, and
55 29 shall also tape record all of the closed session. The minutes
55 30 and the tape recording of a session closed under this
55 31 subparagraph shall be made available for public examination
55 32 when a final decision is made regarding whether to issue the
55 33 request for proposals. All board actions and decisions
55 34 regarding this information shall be made in open ~~meetings~~
55 35 session and appropriately recorded.

56 1 Sec. 115. Section 35A.14, subsection 3, if enacted by 2006
56 2 Iowa Acts, Senate File 2312, section 1, is amended to read as
56 3 follows:

56 4 3. The department may receive and accept donations,
56 5 grants, gifts, and contributions from any public or private
56 6 source for the purpose of providing grants under this section.
56 7 Moneys received by the department pursuant to this subsection
56 8 shall be deposited in an injured veterans trust fund which
56 9 shall be created in the state treasury under the control of
56 10 the department. Moneys credited to the trust fund ~~shall be~~
56 11 are appropriated to the department for the purpose of

56 12 providing injured veterans grants under this section and shall
56 13 not be transferred, used, obligated, appropriated, or
56 14 otherwise encumbered, except as provided in this section.
56 15 Notwithstanding section 12C.7, subsection 2, interest or
56 16 earnings on moneys in the trust fund shall be credited to the
56 17 trust fund.

56 18 Sec. 116. Section 70A.23, subsection 3, paragraph a, as
56 19 enacted by 2006 Iowa Acts, Senate File 2231, is amended to
56 20 read as follows:

56 21 a. An eligible state employee, excluding an employee
56 22 covered under a collective bargaining agreement which provides
56 23 otherwise or an employee of the state board of regents, who
56 24 retires and receives a payment as provided in subsection 2
56 25 shall be entitled to elect to have the employee's available
56 26 remaining value of sick leave ~~to be~~ used to pay the state
56 27 share for the employee's continuation of state group health
56 28 insurance coverage pursuant to the requirements of this
56 29 subsection.

56 30 Sec. 117. Section 91.4, subsection 9, Code 2005, as
56 31 amended by 2006 Iowa Acts, House File 2586, section 1, if
56 32 enacted, is amended to read as follows:

56 33 9. The commissioner may establish rules pursuant to
56 34 chapter 17A to assess and collect interest on fees, penalties,
56 35 and other amounts due the division. The commissioner may
57 1 delay, or, following written notice, deny the issuance of a
57 2 license, commission, registration, certificate, or permit
57 3 authorized under chapter 88A, 89, 89A, 90A, 91C, or 94A if the
57 4 applicant for the license, commission, registration,
57 5 certificate, or permit owes a liquidated debt to the
57 6 commissioner.

57 7 Sec. 118. Section 123.3, subsection 37, as amended by 2006
57 8 Iowa Acts, Senate File 2305, section 1, is amended to read as
57 9 follows:

57 10 37. "Wine" means any beverage containing more than five
57 11 percent of alcohol by weight but not more than seventeen
57 12 percent of alcohol by weight or twenty-one and twenty-five
57 13 hundredths percent of alcohol by volume obtained by the
57 14 fermentation of the natural sugar contents of fruits or other
57 15 agricultural products but excluding any product containing
57 16 alcohol derived from malt or by the distillation process from
57 17 grain, cereal, molasses, or cactus.

57 18 Sec. 119. Section 124.506A, subsection 1, as enacted by
57 19 2006 Iowa Acts, House File 2696, section 1, is amended to read
57 20 as follows:

57 21 1. Notwithstanding the provisions of section 124.506, if
57 22 more than ten pounds of marijuana or more than one pound of
57 23 any other controlled substance is seized ~~in~~ as a result of a
57 24 violation of this chapter, the law enforcement agency
57 25 responsible for retaining the seized controlled substance may
57 26 destroy the seized controlled substance if the law enforcement
57 27 agency retains at least ten pounds of the marijuana seized or
57 28 at least one pound of any other controlled substance seized
57 29 for evidence purposes.

57 30 Sec. 120. Section 266.27, Code 2005, as amended by 2006
57 31 Iowa Acts, Senate File 2253, section 34, is amended to read as
57 32 follows:

57 33 266.27 ACT ACCEPTED.

57 34 The assent of the general assembly of the state of Iowa is
57 35 hereby given to the provisions and requirements of the Smith=
58 1 Lever Act, 38 Stat. 372=374, approved May ~~18~~ 8, 1914, and any
58 2 amendments to that Act, codified at 7 U.S.C. } 341 == 349.

58 3 Sec. 121. Section 331.756, subsection 44, Code Supplement
58 4 2005, is amended by striking the subsection.

58 5 Sec. 122. Section 455G.31, subsection 2, paragraph a, if
58 6 enacted by 2006 Iowa Acts, House File 2754, section 25, is
58 7 amended to read as follows:

58 8 a. For gasoline storage and dispensing infrastructure
58 9 other than the dispenser, the department of natural resources
58 10 under this chapter or the state fire marshal under chapter
58 11 101, ~~division II~~ must determine that it is compatible with E=
58 12 85 gasoline.

58 13 Sec. 123. Section 541A.3, subsection 1, unnumbered
58 14 paragraph 1, Code 2005, as amended by 2006 Iowa Acts, House
58 15 File 2644, section 5, is amended to read as follows:

58 16 Payment by the state of a savings refund on amounts of up
58 17 to two thousand dollars per calendar year that an account
58 18 holder deposits in the account holder's account. Moneys
58 19 transferred to an individual development account from another
58 20 individual development account and a savings refund received
58 21 by the account holder in accordance with this section ~~541A.3~~
58 22 shall not be considered an account holder deposit for purposes

58 23 of determining a savings refund. Payment of a savings refund
58 24 either shall be made directly to the account holder or to an
58 25 operating organization's central reserve account for later
58 26 distribution to the account holder in the most appropriate
58 27 manner as determined by the administrator. The state savings
58 28 refund shall be the indicated percentage of the amount
58 29 deposited:

58 30 Sec. 124. Section 602.8102, subsection 38, Code Supplement
58 31 2005, is amended by striking the subsection.

58 32 Sec. 125. 2006 Iowa Acts, House File 2238, section 2,
58 33 subsection 1, paragraph d, is amended to read as follows:

58 34 d. Of the amount allocated to eligible services providers
58 35 under paragraph "c", 70 percent shall be distributed to the
59 1 state's accredited community mental health centers established
59 2 or designated by counties in accordance with law or
59 3 administrative rule. If a county has not established or
59 4 designated a community mental health center and has received a
59 5 waiver from the mental health ~~and, mental retardation,~~
59 6 developmental disabilities, ~~and brain injury~~ commission, the
59 7 mental health services provider designated by that county is
59 8 eligible to receive funding distributed pursuant to this
59 9 paragraph in lieu of a community mental health center. The
59 10 funding distributed shall be used by recipients of the funding
59 11 for the purpose of developing and providing evidence-based
59 12 practices and emergency services to adults with a serious
59 13 mental illness and children with a serious emotional
59 14 disturbance. The distribution amounts shall be announced at
59 15 the beginning of the federal fiscal year and distributed on a
59 16 quarterly basis according to the formulas used in previous
59 17 fiscal years. Recipients shall submit quarterly reports
59 18 containing data consistent with the performance measures
59 19 approved by the federal substance abuse and mental health
59 20 services administration.

59 21 Sec. 126. CONTINGENT REPEAL == IPERS. The section of 2006
59 22 Iowa Acts, House File 2245, amending section 97B.1A,
59 23 subsection 24, paragraph "c", is repealed if the section of
59 24 2006 Iowa Acts, House File 729, amending section 97B.1A,
59 25 subsection 24, paragraph "c", is enacted.

59 26 Sec. 127. 2006 Iowa Acts, House File 2713, as enacted, is
59 27 amended by adding the following new section:

59 28 SEC. 23A. Section 256F.4, subsection 8, Code 2005, is
59 29 amended to read as follows:

59 30 8. A charter school may enter into contracts in accordance
59 31 with chapter ~~73A~~ 38.

59 32 Sec. 128. COLLABORATIVE EDUCATIONAL FACILITY == CODE
59 33 EDITOR DIRECTIVE. The Code editor shall codify the provisions
59 34 of 2006 Iowa Acts, House File 864, notwithstanding that the
59 35 Act was drafted to the Code 2005 rather than to the Code
60 1 Supplement 2005. The provisional numbering in that Act in
60 2 section 423.3 of new subsection 85 and in section 423.4 of new
60 3 subsection 4 used subsection numbers that were not assigned in
60 4 the Code 2005 and their use in that Act does not imply that
60 5 the subsections in sections 423.3 and 423.4, Code Supplement
60 6 2005, with those same subsection numbers, are in any way
60 7 affected. In addition, the Code editor, under the authority
60 8 of section 2B.13 relating to the correction of internal
60 9 references to sections which have been repealed, shall insert
60 10 before the references to chapter 504A in sections 2 and 3 of
60 11 that Act the words "former chapter".

60 12
60 13
60 14
60 15 _____
60 16 CHRISTOPHER C. RANTS
60 17 Speaker of the House

60 18
60 19 _____
60 20 JEFFREY M. LAMBERTI
60 21 President of the Senate

60 22
60 23 I hereby certify that this bill originated in the House and
60 24 is known as House File 2797, Eighty-first General Assembly.

60 25
60 26
60 27 _____
60 28 MARGARET THOMSON
60 29 Chief Clerk of the House

60 30 Approved _____, 2006

60 31
60 32
60 33 _____

60 34 THOMAS J. VILSACK
60 35 Governor